



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]Nos.21132 & 21133 of 2017

E.Nambi Konar ... Petitioner in W.P.(MD) No.21132 of 2017
S.Perumal ... Petitioner in W.P.(MD) No.21133 of 2017

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Public Works PP2 Department,
Fort St. George,
Chennai - 9.
- 2.The District Collector,
Tirunelveli District,
Tirunelveli.
- 3.The Land Acquisition Officer and
Special Tahsildar (LA),
FCC in ILRS, Unit - 1,
Ambasamudram @ Cheranmahadevi,
Tirunelveli. ... Respondents in both petitions

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writs of Certiorari, to call for the records relating to the impugned Notification and 6 Declaration published in Tamil Nadu Government Gazette Nos.243 dated 27.08.2013 and 277 dated 24.09.2013 respectively and also consequential impugned Award No.1/2014-2015 dated 31.05.2014 passed by the third respondent and quash the same in respect of the petitioner's land situated in S.Nos.428, 429 and 430/1, now sub divided as S.Nos.428/2, 429/1 and 430/1A Pathamadai Village, Ambasamudram Taluk at present Cheranmahadevi Taluk, Tirunelveli District.

(Prayer is amended vide Court order dated 13.12.2019 in W.M.P(MD) Nos.15745 in WP(MD).

No.21132 of 2017)
<https://hcservices.ecourts.gov.in/hcservices/>



In both petitions

For Petitioners

: Mr.H.Arumugam

For Respondents

: Mr.D.Sasikumar

Additional Government Pleader

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COMMON ORDER

These writ petitions have been filed challenging the award dated 31.05.2014 passed under the Old Land Acquisition Act. Not satisfied with the quantum of compensation awarded under the aforementioned award, the petitioner has preferred this writ petition.

2.Apart from questioning the quantum of compensation, the petitioner has also alleged that the notification issued for land acquisition under the old land acquisition Act for the subject lands is also bad in law.

3.A counter affidavit has been filed by the third respondent in these writ petitions and in paragraph No.6 of the same, he has stated that a revised award has been prepared under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 [hereinafter referred to as 'said Act'] which is a new Act.

4.One of the grounds raised by the petitioners is that the award ought to have been passed under the New Act not under the old act. Learned Counsel for the petitioner submits that the petitioner will be satisfied if adequate compensation is paid under the said Act. He also seeks liberty of this Court to challenge the determination of compensation payable to the petitioner for the acquired lands if the said compensation is found to be inadequate and not in accordance with law. The same is recorded by this court.

5.After recording the submissions made by the respective Counsels, this writ petition is disposed of by granting liberty to the petitioners to challenge the award to be passed with regard to the determination of compensation in respect of the lands acquired from the petitioner under the said Act in the manner known to the petitioners under law. After recording the statement made by the third respondent in its counter affidavit that a revised award has been prepared with regard to the petitioner's lands under the said Act, this Court directs the third respondent to pass an award under the Act preferably within a period of six [6] months from the date of receipt of a copy of this order.



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6. With the aforesaid direction, these Writ Petitions stand disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR

NOTE: *In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.*

To

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
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2. The District Collector,
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FCC in ILRS, Unit - 1,
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Tirunelveli.

+1 CC to M/s.SPL GP (SR-7768[F] dated 22/02/2022)

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-7935[F] dated 22/02/2022)

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RK(07/03/2022) 3P 6C