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W.P.Nos.2568, 2573 and 2578 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2023

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THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.Nos.2568, 2573 and 2579 of 2023

and

W.M.P.Nos.2664, 2665 and 2669 of 2023

W.P.No.2568 of 2023

Ch. Trinadh Kumar

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep.by its Secretary,
Department of Industries, Fort St. George,
Chennai – 600 009.

2.The District Collector,
Kancheepuram District,
Kancheepuram.

3.The Special Tahsildar,
Land Acquisition,
Unit-II, SIPCOT,
Oragadam Expansion Scheme – II,
Kancheepuram District – 602 105.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for records relating to the Award of the second respondent in Na Ka No.06/2009, dated 23.11.2020 and quash the same and to consequently direct the second respondent to pass a fresh award by



reckoning the base date for arriving at the compensation as on 01.01.2014 and grant all benefits flowing therefrom together with interest, etc.

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For Petitioner : Mr. Swarnam J Rajagopalan

For Respondents : Mr. P. Sathish,
Additional Government Pleader

W.P.No.2573 of 2023

S.R. Alli

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep.by its Secretary,
Department of Industries, Fort St. George,
Chennai – 600 009.

2.The District Collector,
Kancheepuram District,
Kancheepuram.

3.The Special Tahsildar,
Land Acquisition,
Unit-II, SIPCOT,
Oragadam Expansion Scheme – II,
Kancheepuram District – 602 105.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for records relating to the Award of the second respondent in Na Ka No.05/2009, dated 23.11.2020 and quash the same and to consequently direct the second respondent to pass a fresh award by reckoning the base date for arriving at the compensation as on 01.01.2014 and grant all benefits flowing therefrom together with interest, etc.



W.P.Nos.2568, 2573 and 2578 of 2023

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For Petitioner : Mr. Swarnam J Rajagopalan

For Respondents : Mr. P. Sathish,
Additional Government Pleader

W.P.No.2578 of 2023

K. Stalin Koshy

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep.by its Secretary,
Department of Industries, Fort St. George,
Chennai – 600 009.

2.The District Collector,
Kancheepuram District,
Kancheepuram.

3.The Special Tahsildar,
Land Acquisition,
Unit-II, SIPCOT,
Oragadam Expansion Scheme – II,
Kancheepuram District – 602 105.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for records relating to the Award of the second respondent in Na Ka No.08/2009, dated nil.06.2020 and quash the same and to consequently direct the second respondent to pass a fresh award by reckoning the base date for arriving at the compensation as on 01.01.2014 and grant all benefits flowing therefrom together with interest, etc.



W.P.Nos.2568, 2573 and 2578 of 2022

For Petitioner : Mr. Swarnam J Rajagopalan

For Respondents : Mr. P. Sathish,
Additional Government Pleader

COMMON ORDER

All the above Writ Petitions have been filed challenging the Award of the second respondent and to consequently direct the second respondent to pass a fresh Award by reckoning the base date for arriving at the compensation as on 01.01.2014.

2. The case of the writ petitioners is that while passing award, the base dates have been taken wrongly as 22.01.2010 instead on 01.01.2014. According to him the base date ought to have been taken note as 01.01.2014 and therefore, seeks to quash the proceedings and direct the respondents to fix the base date as 01.01.2014.

3. The only submission made is with regard to the above aspect a similarly situated person whose lands also acquired for the industrial purpose came before the first Bench of this Court in W.A.No.1063 of 2012 and batch of cases. This Court passed the order dated 17.10.2022, the relevant paragraphs reads as follows:

“23. In addition there to, the very same question also came up before the Division Bench of Allahabad High Court, in Ishan International Educational Society through its Director versus State of



Uttar Pradesh reported and others reported in MANU/UP/0203/2022, wherein Allahabad High Court by placing reliance on the earlier three Division Benches of the said Court and also the clarificatory note prepared by the Government of India has held as follows:

“The three Division Bench judgments referred to above have also held that where land acquisition proceedings had commenced under the provisions of 1894 Act but award was not made prior to 1 January 2014 under Section 11 of the 1894 Act, then in that case, all the provisions of 2013 Act relating to determination of compensation shall apply and the date of determination of the market value of the land should be treated as 1 January 2014 in terms of the directions issued by the Central Government.”

In the light of the above observation, which squarely covers the issue raised in the present case, we agree with the views expressed by the Division Bench of Allahabad High Court. Therefore, we hold that the base date for the purpose of determining compensation under Central Act 30 of 2013 in the case on hand is the date of commencement of the Central Act 30 of 2013, namely 01.01.2014. Accordingly, the respondents are directed to pass a fresh award by taking 01.01.2014 as base date for determination of compensation.”

31. In view of our findings in the common question that arose for consideration with regard to the determination of base date all other writ petitions are disposed off with direction to the respondent/Land Acquisition Officer to pass fresh award by taking 01.01.2014 as a base date for determination of compensation under Central Act 30 of 2013 after issuing notice to the land owners concerned by following the procedure in accordance with law.”



In the above order in respect of same notification, this Court has fixed the base date as 01.01.2014 and directed the authorities to pass a fresh Award by taking 01.01.2014 as a base date for determination of compensation under Central Act 30 of 2013 after issuing notice to the land owners concerned by following the procedure in accordance with law.

4. Learned counsel appearing for the respondents has not disputed the above factual aspects.

5. Since the issue is already no longer res integra and the Division Bench has fixed a base date as 01.01.2014, different base dates cannot be fixed while passing awards. Accordingly awards are set aside, the respondents are directed to pass fresh award by taking 01.01.2014 as the base date for determination of compensation under Central Act 30 of 2013.

6. In the result, the Writ Petitions are allowed. Consequently, connected miscellaneous petitions are closed. However, there shall be no order as to costs.

02.02.2023

Index :Yes/No

Speaking Order / Non-Speaking Order

AT

Note: Issue order copy on 08.02.2023



W.P.Nos.2568, 2573 and 2578 of 2023

To

1.The Secretary,
State of Tamil Nadu,
Department of Industries, Fort St. George,
Chennai – 600 009.

2.The District Collector,
Kancheepuram District, Kancheepuram.

3.The Special Tahsildar,
Land Acquisition,
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N.SATHISH KUMAR, J.

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