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W.P.No.3504 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.3504 of 2023

and

W.M.P.No.3548 of 2023

N.Laxmi Srinivas

.. Petitioner

Versus

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.02/2009, 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

ORDER

This Writ Petition has 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 petitioner is that while passing award, the base date has been taken wrongly instead of 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 that 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



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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



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accordance with law.

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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 the base date as 01.01.2014, different base date cannot be fixed while passing award. Accordingly, the impugned award is 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 Petition is allowed. Consequently, connected miscellaneous petition is closed. However, there shall be no order as to costs.

08.02.2023

Index : Yes/No
Internet : Yes/No
Speaking Order / Non-Speaking Order : Yes/No
Neutral Citation : Yes/No
dhk

To



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N.SATHISH KUMAR, J.

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