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W.P.No.12382 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.12382 of 2023
and
W.M.P.No.12219 of 2023

G.Gurunathan

...Petitioner

Vs.

- 1.The Principal Secretary,
State of Tamil Nadu,
Transport Department,
Fort St.George,
Chennai – 600 009.
- 2.The District Collector,
Coimbatore District Collectorate Office,
Coimbatore – 641 018.
- 3.The Revenue Divisional Officer,
Land Acquisition, Airport Authority of India,
Coimbatore Airport, Collectorate Office,
Coimbatore – 641 018.
- 4.The Special Thasildar,
Land Acquisition, runway Airport Authority of India,
Collectorate Office Building, Coimbatore District,
Coimbatore – 641 018.

..Respondents



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Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent District Collector, Coimbatore to determine the compensation amount for the petitioner land in S.F.No.649/1, site No.8 at extent of 2400 sq.ft at Kalaptti Village, Coimbaotre District in possession and enjoyment of the petitioner under Section 26 to 30 of Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013 (Act 30 / 2013) or as per the directions of Division Bench orders dated 18.08.2020 made in W.P.2116 / 2017, considering the representation dated 28.12.2022 of this petitioner.

For Petitioner : Mr.S.Parthasarathi

For R1 to R4 : Mr.P.Sanjay Gandhi
Government Advocate

ORDER

The relief sought for in the present writ petition is for a direction to direct the 2nd respondent / District Collector, Coimbatore to determine the compensation amount for the petitioner land in S.F.No.649/1, site No.8 at extent of 2400 sq.ft at Kalaptti Village, Coimbaotre District in possession and enjoyment of the petitioner under Section 26 to 30 of Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013 (Act 30 / 2013) or as per the directions of Division



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Bench orders dated 18.08.2020 made in W.P.2116 / 2017, considering the representation of the petitioner dated 28.12.2022.

2. High Court by merely issuing a direction to consider the representation would do no service to the cause of justice. Litigant will be back again to the High Court based on such orders, if any passed by the competent authorities. Thus, for seeking a relief, person approaching the Court, has to establish his right or infringement of right.

3. With reference to the land belonging to the petitioner, acquisition notice was issued by the competent authorities in the year 2013. The land was acquired for the purpose of developing Airport in the particular location and the process is in progress.

4. The petitioner submitted a representation, asking the authorities to determine the land costs to be settled in favour of the petitioner.

5. No doubt, the petitioner is entitled for compensation for the lands acquired. However, such compensation are to be determined and to be paid



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by following the procedures as contemplated under the Land Acquisition law. In the event of issuing a direction to pass orders on the representation, the authorities may not be in a position to determine the final compensation to be settled, since the process of acquisition is yet to be completed in all respects.

6. The learned counsel for the petitioner admits that the possession is yet to be taken from the petitioner and the petitioner apprehends that the compensation will not be paid properly.

7. Mere apprehension in this regard would be insufficient to issue a direction by this Court in a writ proceedings. It is needless to state that the competent authorities, while initiating the land acquisition proceedings are bound to follow the procedures as contemplated under the Statutes. A fair compensation as contemplated is to be settled in favour of the landlosers and therefore, the procedures are to be followed and till such time, the petitioner has to wait.



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8. If at all the compensation proposed to be settled is inadequate, then the petitioner has to follow the procedures, seeking enhancement of compensation or otherwise.

9. This being the procedures as contemplated under the Statute and Rules, High Court in between need not give a direction to consider the representation, which will be of no avail to the petitioner, since the authorities would not be in a position to take all decisions, when the acquisition proceedings are in progress.

10. With these clarifications, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

24.04.2023

Index : Yes
Speaking order
Neutral Citation: Yes
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S.M.SUBRAMANIAM, J.

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