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W.P.No.22193 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.22193 of 2018

1. Mrs.K.Mallika
2. K. Uma Maheswaran
3. Mrs.Geetha
- 4.K.Nidthyanathan

...Petitioners

Vs

1. The Secretary to Government,
Housing and Urban Development Department,
Fort St.George, Chennai-600 009.
2. The Revenue Divisional Officer,
Tambaram, Chennai-600 045.
3. The Tahsildar,
Tambaram Taluk, Tambaram,
Chennai-600 045.
4. The Project Director,
National Highways Authority of India,
(Ministry of Road Transport & Highways),
DP 34, South Phase,
Sri Towers, 3rd Floor,
Guindy Industrial Estate,
Chennai-600 032

..Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Declaration declaring that the entire Land Acquisition proceedings covered under Award No.5 of 1989 dated 03.01.1990 passed by the Land Acquisition Officer insofar as the petitioners' land with building in Survey No.121/1B, measuring an extent of 5 ½ cents in Tambaram Village, Tambaram Taluk, Kancheepuram District as LAPSED in view of Section 24(2) of Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 30/2013.

For Petitioners : Mr.M.S.Subramanian

For Respondents : Mr.P.Sathish
Additional Government Pleader
For R.1 to R.3
Mr.Su.Srinivasan
ASC
for R.4

ORDER

Claiming the benefits under Section 24(2) of Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 30/2013, the petitioners herein seek for declaration that their lands in Survey No.121/1B, measuring an extent of 5 ½ cents in Tambaram Village, Tambaram Taluk, Kancheepuram District as LAPSED. The said lands, belonging to the petitioners, are covered under



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the land acquisition proceedings under Award No.5 of 1989 dated 03.01.1990.

2. When some of the land owners, who were also covered under the same Award No.5 of 1989 dated 03.01.1990, had sought for similar relief before this Court, this Court, in the case of ***V.C.Ethirajan and others vs The Secretary to Government, Housing and Urban Development Department and others in W.P.No.1824 of 2015 dated 18.08.2021***, has observed that both twin requirements under Section 24(2) of Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 30/2013 were complied with by the respondents and therefore, had dismissed the writ petition. However, while passing final orders, the following observation was made for the purpose of making a reference for determination of the value of the property:-

“ 5. However, the learned counsel appearing for the petitioners submitted that the petitioners were not paid any compensation as per the award passed in Award No.5 of 1989, and he also raised objection with respect to the manner in which the



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property was valued. Considering the said submission, the petitioners are at liberty to raise objections on the award with regard to the determination of value of the property. If the petitioners made such objections, the authority concerned is directed to refer the same before the Referral Court for determining the value of the property, if not already referred. The respondents also are directed to disburse the compensation amount in accordance with law, forthwith, if not already disbursed.”

3. Since this Court had not entertained the claim of similar property owners covered under the same Award No.5 of 1989, the petitioners in the present writ petition also are not entitled for the relief sought for. Accordingly, the writ petition stands dismissed. However, learned counsel for the petitioners submits that they were not paid compensation as per Award No.5 of 1989. If that be so, it is open to the petitioners to raise their objections with regard to the valuation of the property as reflected in the Award. When such objections are made, the concerned authority is called upon to refer the same before the Referral Court for determining the value of the property, if not already referred.



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The respondents are also directed to disburse the compensation amount in accordance with law, forthwith, if not already disbursed. No costs.

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Index: Yes/No

Neutral Citation: Yes/No

Speaking order/Non-speaking order
sr

To

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M.S.RAMESH,J.

SR

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