



W.P.No.25563 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.25563 of 2021

1.P.R.Jaganathan

2.R.Selvaraj

3.G.Venkatesan

4.G.Balasundaram

5.G.Chandrasekar

...

/vs/

Petitioners

1.The Government of Tamil Nadu

Rep.by its Secretary

Transport Department,

Fort St.George,

Chennai – 600 009.

2.The District Collector

Coimbatore – 641 018.

3.The Director

Airport Authority of India,

Coimbatore.

4.The Director,

Airport Authority of India,

Chennai.

5.The Special Tahsildar (L.A)

Land Acquisition unit – III,

Airport Runway Extention,

Coimbatore.

...

Respondents



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PRAAYER : The writ petition has been filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the respondents to rectify the errors and fix the compensation amounts as per the classification mentioned in the government records and fix the compensation value Rs.1500/- per sq.ft and disburse the compensation to the petitioners as earlier after deducting the compensation already paid to the petitioners for land situated at Singanallur village, comprised in S.F.No.23 measuring an extent of 5.69 acres in accordance with law.

For Petitioners ... Mr.M.Karthik

For Respondent ... Mr.P.Gurunathan
Nos.1,2 & 5 Additional Government Pleader

Respondent Nos.3 & 4 ... No appearance

ORDER

This writ petition has been filed to issue a Writ of Mandamus directing the respondents to rectify the errors and fix the compensation amounts as per the classification mentioned in the Government records and fix the compensation value Rs.1500/- per sq.ft and disburse the compensation to the petitioners earlier, after deducting the compensation already paid to the petitioners for the land situated at Singanallur village, comprised in S.F.No.23 measuring an extent of 5.69 acres in accordance with law.



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2.The learned counsel appearing for the petitioners submitted that the subject matter of the acquired land is within the purview of the Urban Land, whereas the respondents have fixed the compensation and paid on par with the agricultural land. Therefore, the compensation fixed per sq.foot should be Rs.1500/- and not Rs.900/-. As if the land is agricultural land, the authorities fixed only Rs.900/- per sq.ft and paid the compensation. Now, the petitioners have stated that the acquired land is only Urban Land and not an agricultural land. Therefore, the compensation has to be fixed at Rs.1500/- for urban land and the respondents have to be directed to pay Rs.1500/- per sq.ft. Since already the petitioners received only Rs.900/- per sq.ft., the difference in the amount has to be calculated and paid to them.

3.The learned Additional Government Pleader appearing for the respondents 1, 3 & 5 filed his counter affidavit stating that it is only a private negotiation and the land was acquired for extension of Airport Runway at Coimbatore. The Special Notification issued under Form “C”



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regarding the acquisition of lands in Singanallur village, was published, vide No.216 dated 14.10.2015 as per Section 3(1) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997. Subsequently, on 06.03.2018, a negotiation was conducted between the writ petitioners and the acquisitioning officers. The writ petitioners and the other land owners accepted the negotiation and also the amount was fixed per sq.ft. at Rs.900/- and the petitioners also voluntarily accepted the same and the compensation was also fixed at Rs.900/- per sq.ft. by both the parties concerned by duly complying with Sub-Section (2) of the Section 7 of the 1997 Act. The petitioners voluntarily participated in the private negotiation and accepted the value fixed at Rs.900/- per sq.ft and also received the amount and the petitioners also had given the consent letter dated 21.05.2018. Subsequently, the petitioners and other land owners filed the writ petition regarding the penal interest. Though in W.P.No.2116 of 2017 this Court by its order dated 18.08.2020 directed the Government to pay compensation to the land owners along with interest, challenging the same, the Government filed an appeal before the Hon'ble Supreme Court in SLP (C).No.12770-12783/2020 and the Hon'ble Supreme Court passed an



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interim order on 03.12.2020 directing payment of compensation to be made as per the settlement and the direction of this Court to pay the interest shall remain stayed.

4. On the contrary, the learned counsel for the petitioners submitted that the petitioners have not filed the present writ petition either for enhancement of the compensation or for the interest. Their main grievance is that the land has been wrongly classified and the amount was also wrongly fixed per sq.ft. The amount was fixed for agricultural land, but their land was lying on the Town survey. Therefore, the case is pending before the Hon'ble Supreme Court and stay granted by the Hon'ble Supreme Court has nothing to do with this writ petition.

5. A perusal of the records reveals that it is only the acquisition for the purpose of extension of Airport Runway at Coimbatore and the notification also was issued under the Industrial Purposes Act, 1997, but the writ petitioners have participated in the private negotiation and accepted the compensation amount fixed at Rs.900/- per sq.ft. and received



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the same by giving consent letter. Now, the only question that has to be decided is as to whether the compensation fixed by the respondents is correct or not. The petitioners themselves admitted that they participated in the private negotiation and also they accepted the compensation. Once the petitioners did not dispute the acquisition and also notification, and when they directly in person participated in the negotiation and also accepted the compensation by giving a consent letter and received the amount and now, they cannot take the stand otherwise.

Under the above circumstances, there is no merit in the writ petition and the writ petitioners are not entitled to the relief as sought for in the writ petition. Accordingly, the writ petition is dismissed. No costs.

Index : Yes/No

speaking order: Yes/No

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Neutral Citation: Yes/No
sms



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