



W.P.No.25381 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2023

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.25381 of 2023

Vummudi Udayakumar

... Petitioner

versus

1. The District Collector,
Chengalpattu Collectorate,
GST Road, Chengalpattu District,
Chengalpattu – 603 001.
2. The Revenue Divisional Officer,
VOC Nagar, Chengalpattu Block,
Chengalpattu District,
Chengalpattu – 603 001.
3. The Special Tahsildar,
Land Acquisition Unit-I,
East Coast Road Project,
Chengalpattu.
4. The Divisional Engineer,
Highways Department,
Construction and Administration,
C & M Tambaram Sub Division,
Saidapet, Chennai – 600 015.



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5. The Assistant Divisional Engineer,
Highways Department,
Construction and Administration,
C & M Tambaram Sub Division,
Opp.Velachery Railway Station,
Velacherry, Chennai – 600 042.

.....Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the first respondent for issuing fresh notification under Section 24(2) of the Right to Fair Compensation, Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 30 of 2013 for the purpose of providing compensation including interest thereon for all the property acquired in Original Survey No.98/1, R.S.No.98/70 present R.S.No.98/7B (Survey No.98/1B1A2) of Reddykuppam Village, Kanathur, Thiruporur Taluk, Chengalpattu District.

For Petitioner : Ms.Hema Srinivasan

For Respondents : Mr.V.Veluchamy
Additional Government Pleader

ORDER

The petitioner in this Writ Petition seeks for issuance of a Writ of Mandamus, directing the first respondent for issuing fresh notification under



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Section 24(2) of the 'Right to Fair Compensation, Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 30 of 2013' [hereinafter referred to as 'Section 24(2) of the New Act'] for the purpose of providing compensation including interest thereon for the property acquired in Original Survey No.98/1, R.S.No.98/70 present R.S.No.98/7B (Survey No.98/1B1A2) of Reddykuppam Village, Kanathur, Thiruporur Taluk, Chengalpattu District.

2. The learned counsel for the petitioner submitted that since the respondents 1 to 3 had taken possession of the subject property without payment of due compensation, the petitioner and another filed a writ petition in W.P.No.958 of 2015 to declare the impugned land acquisition as lapsed in terms of Section 24(2) of the New Act. This Court vide order dated 20.04.2016 partly allowed the petition and directed the respondents to issue fresh notification under the provisions of Section 24(2) of the New Act only for the purpose of arriving compensation amount payable to the petitioner for the land acquired from them, within a period of three months. While so, the petitioner sent letters dated 20.06.2016 and 29.03.2023,



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respectively to the respondents requesting them to comply with the order of this Court. After submitting the letter, the petitioner ran from pillar to post for getting his remedy. Since no fruitful response is forthcoming, the petitioner has come before this Court.

3. When the matter was taken up for hearing on 19.10.2023, at the request of the learned Additional Government Pleader appearing for the respondents, this Writ Petition was directed to be listed on 21.11.2023 for filing counter affidavit and disposal. However, no counter affidavit has been filed as on today.

4. Heard both sides and perused the materials available on record.

5. It is seen that in W.P.No.958 of 2015, this Court, vide order dated 20.04.2016, directed the respondents to issue fresh notification for the purpose of arriving at the compensation amount payable to the petitioners for the land acquired from them. The relevant paragraph of the said order reads as follows :

" 10. In the light of above, the impugned land



acquisitions shall be deemed to have been lapsed on the ground that the compensation has not been tendered/paid to the landowners/petitioners, nor has been deposited before the Civil Court. However, on account of the lands have been utilized by respondents for formation of East Coast Road, possession of the land shall not revert back to the petitioners and shall continue to remain with the respondents, and utilized as road. However, there will be a direction to the respondents to issue fresh notification under the provisions of Section 24(2) of the Right to Fair Compensation, Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 30 of 2013 only for the purpose of arriving at the compensation amount payable to the petitioners for the land, which has been acquired from them. Fresh notification in this regard shall be issued within a period of three months from the date of receipt of a copy of this order."

6. However, the respondents have not complied with the directions of this Court dated 20.04.2016 and hence, the petitioner has filed the present writ petition. If the respondents have not complied with the order passed by this Court in a Writ Petition, the proper remedy is to file a Contempt



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Petition. However, the petitioner has again filed the present Writ Petition with the same cause of action.

7. For the forgoing reasonings, this Writ Petition is dismissed. However, the petitioner is at liberty to work out his remedy in the manner known to law. There shall be no order as to costs.

21.11.2023

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No

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To

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3. The Special Tahsildar,
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P.VELMURUGAN, J.

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