



WP(MD)No.8352 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.10.2023

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THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

W.P.(MD)No.8352 of 2021
and W.M.P(MD)No.6326 of 2021

1.T.Ramakrishnan
2.S.Karuppasamy
3.M.Arumuga Thevar
4.M.Thiruvankadam @ Veni
5.P.Subbaiah Thevar
6.L.Manohar

...Petitioners

/Vs./

1.The State of Tamil Nadu,
Through District Collector,
Tuticorin District.

2.The Revenue Divisional Officer,
Tuticorin District

...Respondents

PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the proceedings in Award 1/2007-2008 dated 04.08.2007 and quash the same and consequently to direct the respondents 1 and 2 to initiate fresh Land Acquisition of petitioners land as per the provision of "The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 30 of 2013", within a time frame to be fixed by this Court and to pay petitioners fair compensation as per New Act.

For Petitioners : Mr.S.Siva Thilakar
For Respondents : Mr.A.K.Manikkam
Special Government Pleader



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ORDER

WEB COPY This writ petition has been filed challenging the proceedings of the first and second respondents in Award 1/2007-2008 dated 04.08.2007 to initiate fresh acquisition proceedings as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 30 of 2013 (in short 'Act').

2. Heard Mr.S.Siva Thilakar, learned counsel for the petitioner and Mr.A.K.Manickam, learned Special Government Pleader for the respondents.

3. It is not necessary for this Court to go into the facts of this case and the issue raised in this writ petition, since in a connected writ petition in WP(MD)No.15796 of 2014, this Court had dealt with the very same award dated 04.08.2007 and this writ petition was allowed by order dated 27.03.2017 in the following terms:-

“10.In view of the above narrative, the writ petition is allowed as prayed for, quashing the Award of the second respondent in Award 1/2007-2008 dated 04.08.2007. It is open to the respondents 1 and 2 to initiate fresh land acquisition proceedings for the petitioner's land as per the proceedings of the Act, in case the authorities chooses so or workout the compensation as per New enactment and pay the same to the



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petitioner. The said exercise shall be completed within a period of 12 weeks from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed. There is no order as to costs.”

4. As against the order passed by the learned Single Judge, the State went on appeal in WA(MD)No.1632 of 2018. The Division Bench of this Court dealt with the entire issue in detail and disposed of the writ appeal in the following terms:-

“7. According to the learned Government Advocate, the possession taken and compensation tendered much prior to the New Act came into force. Hence, the land owners cannot claim the acquisition proceedings lapsed. He rely upon clause (5) and (7) of para 363 in the above judgment.

8. The learned counsel for the respondent/land owners submitted tendering a stale cheque is not a valid tender. If money not tendered within 5 years of taking possession, the acquisition gets automatically lapsed in view of Section 24(1) of the New Act.

9. The learned Government Advocate appearing for the appellants though emphasis before this Court that in para 363 (5) and (7) has to be applied in this Case. This Court is of the view that since for majority of the land owners, compensation amount has not been deposited but only an attempt to produce the stale cheque made by the revenue authorities and that too belatedly after 5 years of the proceedings and that attempt also not completed immediately. To complete the attempt, the appellant has taken another 9 years to be precious, the award passed on 04.08.2007 the money deposited only in the year 2017. The earlier



attempt to deposit cannot be construed as valid tender. Hence, clause (5) in para 363 at 4 is applicable to the facts of this case and not clause 5 or 7.

10. Since admittedly, for more than 5 years, majority of the land owners in this case, not been paid compensation, obviously the land owners are entitled for compensation in accordance with the provisions of the new Act of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. In the light of the above judgment of the Supreme Court it is needless to redo the exercise of acquisition but suffice if compensation component alone worked out as per the New enactment, namely, Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.”

5. It is clear from the above that the order passed by the learned Single Judge has been modified and a direction was issued to the respondents (who were the appellants therein) to fix the compensation as per the Act. In view of this modification order passed by the Division Bench, the direction with regard to redoing the exercise of acquisition was done away with and the respondents were directed to fix compensation as per the Act. This relief granted by the Division Bench will also enure in favour of the petitioner, since he is also a similarly placed person.



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6. This writ petition is disposed in the above terms. No costs.

Consequently, connected miscellaneous petition is closed.

19.10.2023

NCC : Yes/No
Internet :Yes/No
Index :Yes/No
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To,
1.The District Collector,
Tuticorin District.

2.The Revenue Divisional Officer,
Tuticorin District



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N.ANAND VENKATESH, J.

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Order made in
W.P.(MD)No.8352 of 2021

Dated:
19.10.2023