



W.P.(MD) No.8850 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

W.P.(MD) No.8850 of 2021

and

W.M.P.(MD) No.6654 of 2021

Gopaldas Dwarakadar Family Trust Estate,
Through its Managing Trustee,
GD. Gokuldoss,
No.145, North Chithirai Street,
Srirengam, Trichy-6.

.. Petitioner

Vs.

- 1.The Director,
Airports Authority of India,
Ground Floor, C Block,
Corporate Head Quarters,
Rajiv Gandhi Bhawan,
Safdarjung Airport, New Delhi.
- 2.The Regional Airport Director,
Airport Authority of India,
Nungambakkam, Chennai.
- 3.The Airport Director,
Airport Authority of India,
Trichy Airport, Trichy-620007.



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4.The District Collector,
Trichy, Trichy District.

5.The District Revenue Officer,
Trichy, Trichy District.

6.The Tahsildhar,
Srirengam Taluk,
Trichy.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus directing the respondents 1 to 4 herein to either acquire the petitioner's trusts' lands in S.F.No.98 (Old S.No.99), measuring 1 Acre 99 Cents in Kottapattu Village, Srirengam Taluk, Trichy District as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and pay compensation under the said Act or to demolish the compound wall put up by them in the said lands and hand over vacant possession to the petitioner, by considering the petitioner's representation dated 20.02.2021, within stipulated time fixed by this Court.

For Petitioner	:	Mr.VR.Shanmuganathan
For RR1 to 3	:	Mr.C.Godwin
For RR4 to 6	:	Mr.K.Selvaganesan Additional Government Pleader



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ORDER

This writ petition has been filed for the issue of Writ of Mandamus directing the respondents 1 to 4 either to acquire the subject lands and to pay the compensation as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, or to demolish the compound wall put up by respondents 1 to 4 in order to enable the petitioner to enjoy the subject property.

2. When the matter came up for hearing on 17.10.2023, this Court passed the following order:

“The counter affidavit filed by the respondents 1 to 3 shows that the property in dispute was handed over to the Airports Authority of India in the year 1998 and they have also put up a compound wall. The counter affidavit of the respondents 1 to 3 does not state as to how the State had come in possession of the disputed property.

2. When the above was pointed out to the learned Additional Government Pleader appearing on behalf of the respondents 4 to 6, the learned



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Additional Government Pleader sought for some time to take instructions from the respondents 4 to 6 and explain this Court as to when the disputed property was taken possession by the State.

3. Post this Writ Petition under the caption "for orders" on 08.11.2023. In the meantime, the sixth respondent shall file counter affidavit in this case."

3. The matter was thereafter, listed for hearing on 29.11.2023 and this Court passed the following order:

The learned Special Government Pleader seeks for one last opportunity to trace the files in this case and to file a counter affidavit.

2.The grievance of the petitioner is that their property measuring an extent of 1 acre 99 cents in S.F.No.98 was acquired and handed over to the Airport Authority India and the petitioner was not paid any compensation. That apart, a compound wall has also been constructed by the Airport Authority of India. It is also brought to the notice of this Court that the land now stands in the name of the Airport Authority of India in the revenue records.



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3.The counter affidavit filed by the respondents 1 to 3 makes it very clear that the possession was handed over to the Airport Authority of India in the year 1998 itself and the compound wall has also been laid. Hence, there is no dispute that the lands are now under the control of the Airport Authority of India.

4.The only other issue that has to be considered in this case is with regard to the payment of compensation to the petitioner. The learned Special Government Pleader shall direct the respondents 4 to 6 to trace the files and also provide the particulars regarding the compensation fixed.

5.Post this case under the same caption on 15.12.2023.”

4. The case was once again posted for hearing on 15.12.2023 and this Court passed the following order:

“When the matter was taken up for hearing, the learned Additional Government Pleader appearing on behalf of the respondents 4 to 6 submitted the original records. It is seen that the acquisition proceedings were initiated by issuing a notification



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under Section 4(i) of Land Acquisition Act, 1894 on 25.02.1947. The declaration under Section 6 of the Act was made on 04.03.1947. The award enquiry was completed on 28.03.1947. Insofar as the subject property in Survey No.98/1 measuring an extent of 1 acre 91 cents, the award amount of sum of Rs.2,967/- (Rupees Two Thousand Nine Hundred and Sixty Seven only) was also deposited before the Court.

2. The learned counsel for the petitioner seeks for some time to take instructions in this regard.

3. Post this case under the same caption on 21.12.2023.”

5. When the matter was taken up for hearing today, learned counsel for the petitioner, on instructions, submitted that the compensation amount was never deposited before the Court and no compensation was paid to the land owners. In view of the same, the learned counsel submitted that liberty must be given to the petitioner to claim for compensation for the lands, which were acquired for the purpose of establishing the Trichy Airport.



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6. In the considered view of this Court, the acquisition proceedings have been completed long back and therefore, there is no question of interfering with the same at this length of time. However, the grievance of the petitioner seems to be that the compensation amount was neither deposited nor paid. In view of the same, the petitioner is directed to make a fresh representation to the 4th respondent along with all the necessary documents and seek for the payment of compensation. The 4th respondent shall deal with the representation in accordance with law and shall take a decision within a period of three months from the date of receipt of the representation from the petitioner.

7. This Writ Petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

21.12.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes

ABR



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N. ANAND VENKATESH, J.

ABR

To

- 1.The District Collector,
Trichy, Trichy District.
- 2.The District Revenue Officer,
Trichy, Trichy District.
- 3.The Tahsildhar,
Srirengam Taluk, Trichy.

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