



W.P(MD)No.8079 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:19.04.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.8079 of 2023

G.Jebakumar Jebamani

... Petitioner

Vs

1. The Commissioner of Land Administration,
Chepauk, Chennai.
2. The District Collector,
Tirunelveli District.
3. The Special Tahsildar (Land Acquisition),
River Linking Project,
Unit III River Linking, Palayamkottai,
Tirunelveli District.

... Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents herein to re-determine the compensation by following the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 in letter based on the petitioner's representation on 21.02.2023 and spirit within the time frame fixed by this Court.



W.P(MD)No.8079 of 2023

For Petitioner

:Mr.Porkodi Pandian
for M/s.Rolax Legal Solutions

For R1 to R3

:Mr.N.Muthu Vijayan
Special Government Pleader

ORDER

The writ petition is not maintainable. It had been filed in the nature of mandamus seeking to re-determine the compensation by following the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred as 'the Act'). The petitioner had given a representation on 21.02.2023.

2.Even when the matter came up for admission on 11.4.2023, this Court had raised the issue of maintainability and the matter is posted today under the caption 'for maintainability'.

3.The only issue raised by the learned counsel for the petitioner is that the order is in question is not in accordance with Form VII and VIII of Rule 8 of the Act.



W.P(MD)No.8079 of 2023

4.The purport of the Act is that to provide a fair compensation.

The procedure is as follows:

- First, before intending any acquisition, Social Impact Assessment is to be made.
- Thereafter, under section 15 of the Act that particular Social Impact Assessment is examined during public hearing, after issuing a notification. At that stage, the issue of compensation to be paid or award to be paid is not at all taken into consideration.
- If the concept of acquisition is not disputed, after public hearing, notification is further issued, as per Section 19 of the Act.
- Thereafter, the issue of determination of the award to be passed will be examined.
- Compensation is to be granted on the basis of market value of the land, which is acquired.
- After the compensation is worked out, which will include the interest component, value of any movable or immovable attaches to the property, value of super structure will have to be worked out and finally all these will be added up and the Award will be passed.



W.P(MD)No.8079 of 2023

The above procedures are laid down in the Act.

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5. When an Award is passed, it can be questioned only by the competent authority and the only authority is Principal District Court of that particular District. The Writ Court cannot examine the Award under Article 226 of Constitution of India. This Court cannot redetermine the compensation fixed by the respondents. The Act is a self contained Act with specific provision for challenging the Award.

6. This writ petition under Article 226 of Constitution of India is not maintainable and stands dismissed. No costs.

19.04.2023

NCS :Yes/No
Index :Yes/No
Internet:Yes/No

PNM



W.P(MD)No.8079 of 2023

To

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W.P(MD)No.8079 of 2023

C.V.KARTHIKEYAN,J.

PNM

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W.P(MD).No.8079 of 2023

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