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W.P.(MD)NO.24867 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.10.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)Nos.24867 & 24868 of 2023 AND
W.M.P.(MD)Nos.21061 & 21062 of 2023

W.P.(MD)No.24867 of 2023

R.Antony Raj

... Petitioner

Vs.

1. The District Collector,
O/o.the Thoothukudi District Collectorate,
Airport Extension Land Acquisition Unit-II,
Thoothukudi,
Thoothukudi District.

2. The Land Acquisition Officer and
District Revenue Officer,
Airport Extension Land Acquisition Unit-II,
Thoothukudi District Collectorate,
Thoothukudi & District.

3. The Special Tahsildar,
Airport Extension Land Acquisition Unit-II,
Thoothukudi District Collectorate,
Thoothukudi.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to fix and pay the land acquisition compensation under the provisions of The Right of Fair



Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013, by complying with Section 6(3) of the Tamil Nadu Land Acquisition Laws (Revival of operation, Amendment and Validation) Act 2019, for the petitioner's property in Sy. No.29/1A - 0.85.0 Hectares of Servaikaran Madam Village, Thoothukudi Taluk and District Viz., with the Fly Ash Bricks Manufacturing Industry in it, acquired for the Thoothukudi Airport Extension Land Acquisition Unit - II, and till then forbear the respondents from taking possession, forcibly of the said property and the Fly Ash Bricks Manufacturing Industry in it.

W.P.(MD)No.24868 of 2023

A.Ramachandran

... Petitioner

Vs.

1. The District Collector,
O/o.the Thoothukudi District Collectorate,
Airport Extension Land Acquisition Unit-II,
Thoothukudi,
Thoothukudi District.
2. The Land Acquisition Officer and
District Revenue Officer,
Airport Extension Land Acquisition Unit-II,
Thoothukudi District Collectorate,
Thoothukudi & District.
3. The Special Tahsildar,
Airport Extension Land Acquisition Unit-II,
Thoothukudi District Collectorate,
Thoothukudi.

... Respondents



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Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to fix and pay the land acquisition compensation under the provisions of The Right of Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013, by complying with Section 6(3) of the Tamil Nadu Land Acquisition Laws (Revival of operation, Amendment and Validation) Act 2019, for the petitioner's property in Servaikaran Madam Village, Thoothukudi Taluk and District viz. Sy.No.13/2A4E-1.35.50 Hectates and the petitioner's family properties in Sy.No. 13/2A4D-0.42.5 Hectares, Sy.No.28/2A-0.21.0 Hectares, Sy. No.28/2B-0.18.0 Hectares, with the Fly Ash Bricks Manufacturing Industry in it, said to have acquired for Thoothukudi Airport Extension Land Acquisition Unit-II and till then forbear the respondents from taking possession, forcibly of the said property.

(in both W.Ps.)

For Petitioner : Mr.C.Thanaseelan

For Respondents : Mr.S.Ra.Ramachandran,
Additional Government Pleader.

* * *

**COMMON ORDER**

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Heard the learned counsel on either side.

2. Shri.Ramachandran is the father and Shri.Antony Raj is the son. Their grievance is that they have not been paid proper compensation in respect of the petition-mentioned lands that have been acquired under the provisions of the Tamil Nadu Acquisition of Land for Industrial Purposes Act 1997.

3. When the matter was taken up for hearing, the learned Additional Government Pleader submitted that two awards have been passed as early as on 15.11.2018.

4. The learned counsel appearing for the petitioners strongly asserts that no summon or notice was received by the petitioners.

5. Be that as it may, the following statement has been made by the respondents:-

“Survey No.13/2A4D measuring 0.42.5 Hectares of land is in the name of Hari Raman who is none other than the



father of Shri.Ramachandran. It is for Shri.Ramachandran to produce the legal heir certificate as well as the death certificate of Hari Raman for consideration. The claimant can very well receive compensation that has been determined. As regards survey No.13/2A4E measuring 1.35.5 Hectares, it stands in the name of Shri.Ramachandran. Therefore, there is no difficulty as far as this survey number is concerned. Survey No.28/2A measuring 0.21.0 Hectares is in the name of Selvavinayaga and Ramachandran. Whatever is the share of the petitioner Ramachandran in the said survey number, compensation can be taken therefor. Survey No.28/2B stands in the name of Selvavinayaga. Survey No.29/1A measuring 0.85.0 Hectares stands in the name Antony Raj and there is no difficulty for the petitioner Antony Raj to receive compensation."

6. The petitioners are permitted to approach the first respondent on 01.11.2023 at 3.00 p.m. The first respondent shall issue cheque in favour of Ramachandran / Antony Raj in respect of the undisputed lands. The petitioners can very well receive cheques without prejudice to their claim that they are



entitled to higher compensation. The learned counsel appearing for the petitioners states that on the same day, the application for referring him to the Court for enhancement shall be given. The first respondent shall make reference under Section 8 of the Act within a period of two weeks, thereafter. The Reference Court is directed to take reference on file and dispose the same on merits and in accordance with law within a period of six months thereafter.

7. The learned counsel appearing for the petitioners states that there is a Fly Ash Bricks manufacturing unit on the acquired lands. Considering the facts and circumstances, the petitioner is given time till 31.01.2024 to vacate and hand over. The petitioner also gives an undertaking that without entangling the respondents in further litigation, they would surrender possession. If the petitioners fail to do so, it is open to the respondents to take possession of the same without further notice. It is open to the department to proceed with the paper work dehors this interim arrangement. It is open to the respondents to permit the petitioners to use the land on which trees have grown till harvest provided



it has no adverse bearing on the on-going project. The petitioners shall be treated as persons affected by the land acquisition proceedings. Therefore, the respondents are directed to consider extending appropriate rehabilitation measures to the petitioners. These writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

19.10.2023

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

To:

1. The District Collector,
O/o.the Thoothukudi District Collectorate,
Airport Extension Land Acquisition Unit-II,
Thoothukudi,
Thoothukudi District.
2. The Land Acquisition Officer and
District Revenue Officer,
Airport Extension Land Acquisition Unit-II,
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3. The Special Tahsildar,
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Thoothukudi.



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8

W.P.(MD)NO.24867 OF 2023

G.R.SWAMINATHAN,J.

PMU

W.P.(MD)Nos.24867 & 24868 of 2023

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