



W.P.(MD) Nos.22916 of 2017 and batch

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :10.04.2023

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)Nos.22916, 22312, 22313, 16289, 22311 of 2017, 72 to 85, 587,
590 to 594, 588, 589, 14498, 2832 of 2018

and

W.M.P (MD) Nos.12944, 12945, 19219, 18594 to 18599, 19220, of 2017,
67, 68 to 75 to 82 to 94, 587 to 602, 6131 to 6138, 11231, 11235 to 11238,
11381 to 11394, 13073, 16801, 3003, 3004, of 2018

I.Savarinathan

... Petitioner in
W.P(MD) No.22916/2017

Vs.

1. The State of Tamil Nadu,
Rep. by Secretary to Government,
Industries Department,
Fort.St.George, Secretariat,
Chennai – 600 009.
2. The State of Tamil Nadu,
Rep. by Secretary to Government,
Public Works & Irrigation Department,
Fort.St.George, Secretariat,
Chennai – 600 009.
3. The District Collector,
Tiruchirappalli, Trichy.



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4. The District Revenue Officer,
Tiruchirappalli, Trichy.

... Respondent

PRAYER in W.P.(MD) No.22916 of 2017 : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records relating to the proceedings viz., the Notices all bearing Na.Ka.No.C1/16360/2017 dated 28.8.2017 of the 4th Respondent herein issued under Sec.3(2) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (TN Act X of 1999), in respect of the lands of the Petitioner herein, comprised in Survey Nos.14/2B and 14/3 in Kilakurichi village, Tiruverumbur Taluk, Tiruchirappalli District and quash the same.

For Petitioner : Mrs.AL.Gandhimathi
Senior Counsel (for all the writ petitions)
Mr.S.Ramu (for W.P(MD) No.2832/2018)

For Respondents : Mr.Veera Kathiravan,
Additional Advocate General,
assisted by Mrs.D.Farjana Ghoushia,
Special Government Pleader
for R1 to R4
Mr.C.Godwin for R2
(in all the writ petitions)



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COMMON ORDER

In this batch of writ petitions, the respective petitioner has assailed a notice issued by the fourth respondent under Section 3(2) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (Tamil Nadu Act 10 of 1999).

2. At the time of institution of these writ petitions, the Fifth Schedule to the The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR Act) did not include Tamil Nadu Act 10 of 1999. Thereafter, an amendment Act was enacted and Tamil Nadu Act 10 of 1999 was included in the Fifth Schedule. In view of the subsequent developments, the principal ground of challenge in the writ petitions does not survive.

3. Learned senior counsel for the respective petitioner invited my attention to paragraph 7 of the affidavit in support of each writ petition. The said paragraph 7, which is identical in all the affidavits, reads, in relevant



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part, as under:-

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“... I further submits that about 20 feet away from the existing Airport, in between the Airport and the lands proposed to be acquired, this Uyyakondan canal flows. It is needless to submit here that the water from this Canal, which is an offshoot of Cauvery river, is being used for irrigating several thousands of acres of agricultural lands in Trichy and Thanjavur districts. The said Uyyakondan Canal is 71 Km. long Canal and it branches out from the Cauvery River in Mayanur village in Karur district and leads up to Sekandi Lake in Thanjavur district after filling Vazhavandan Kottal lake. The said Canal branches out of Cauvery river and is passing through several villages in Tiruverambur Taluk and is being extended up to Cholamadevi. The said Canal is irrigating about thousands of acres in Trichy and Thanjavur districts. If the proposed lands are acquired for the purpose of extension of Airport, they should cross the Canal and extend the Airport either by building a bridge over the Canal or by closing the Canal itself. If either of the two options is being considered, the same will affect the nearby villages during rainy season. Petitioner submits that during rainy season, water is flown only through Uyyakoindan Canal and once it is closed or



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stopped, the excess water will be flooded in the nearby villages and will get inundated and damage of a high magnitude will be unavoidable. ...”

Therefore, learned senior counsel submits that the respondents should consider the objection of the land owners that the flow of water in the Uyyakondan canal would be affected if the airport is extended on the eastern side.

4. In response to these submissions, learned Additional Advocate General points out that the fourth respondent has stated categorically in the counter that the free flow of water would be ensured notwithstanding the expansion of the airport. The relevant paragraph 5 is set out below:-

“5. In regards to the averments made against para-7, it is submitted that the points raised are pertaining to the Uyyakondan canal that flows across the lands towards East from West. While having discussion about the water-flowing canals and channels, on request of PWD (EE), RC Division to design the area of Uyyakondan Channel to have a cover slab (fly over bridge) above said



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Uyyakondan channel. Airports Authority of India also accepted to design as stated above and gave concurrence on its letter dated: 08.07.2011 as follows:

"ACTUAL EXTENT REQUIRED FOR TIRUCHIRAPPALLI AIRPORT EXPANSION WITH CONDITION THAT WATER CHANNELS AND WATER STORAGE AREAS WON'T BE DISTURBED"

The Government will take appropriate action for the free flow of water in the canal notwithstanding the expansion of the airport crossing the canal. It is submitted that only of the concern of the interest of the cultivators at the tail-end particularly in Thanjavur District we have made such arrangement. Further expansion of the airport towards eastern side of the existing airport alone is necessary and quite suitable for expansion."

5. Learned Additional Advocate General also submits that the acquisition proceedings could not be continued as against the parties who filed the writ petitions before this Court and that, therefore, such parties are not entitled to interest for this period. Learned senior counsel for the respective petitioner submits in response that these writ petitions did not stall the land acquisition for the airport.



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6. By the impugned notice, the respective petitioner was put on notice about the acquisition proceedings so as to elicit objections, if any, in relation thereto. In view of the subsequent developments relating to the amendment of the Fifth Schedule of the RFCTLARR Act, the foundation of the respective writ petition has collapsed. By taking notice of these developments, all these writ petitions are disposed of by leaving it open to the respective petitioner to respond to the respective notice within a maximum period of fifteen days from the date of receipt of a copy of this order and raise objections, if any. All matters, including the payment of compensation and interest, if any, thereon are left open to be decided by the appropriate authorities. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

10.04.2023

NCC :No
Internet :Yes
Index :No
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To

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SENTHILKUMAR RAMAMOORTHY, J.

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