



W.P.Nos.2001, 2004 & 2010 of 2024

PIN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.Nos.2001, 2004 & 2010 of 2024

and

W.M.P.Nos.2124, 2127 & 2137 of 2024

W.P.No.2001 of 2024

S.Devarajan ... Petitioner in W.P.No.2001 of 2024

P.Murugesan ... Petitioner in W.P.No.2004 of 2024

G.Dhandapani ... Petitioner in W.P.No.2010 of 2024

Vs.

- 1 The Land Acquisition cum District Collector,
Coimbatore District,
Collectorate Office,
Coimbatore-641 018.
- 2 The Special District Revenue Officer (L.A.)(L.C)
Extension of Runway at Coimbatore Airport,
Coimbatore-641 018. ... Respondents in all the W.Ps.



W.P.Nos.2001, 2004 & 2010 of 2024

PRAYER in W.P.No.2001 of 2024 :

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Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, Calling for the records relating to the order dated 16.10.2023 made in R.C. No.714/ 2023/ A2/ Block-10 passed by the first respondent herein and quash the same and consequently direct the first respondent herein to refer the reference application/ petition filed by the petitioner under Section 64 read with Section 51 of The Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013 (Central Act 30 of 2013) as amended therein with respect to the lands of the petitioner herein comprised in Survey No.672/1B in an extent of 109 sq.ft. Survey No.673/1 in an extent of 30,050 sq.ft. Survey No.674/5 in an extent of 28,131 sq.ft and Survey No.675/13 in an extent of 3318 sq.ft respectively totally an extent of 61,608 sq.ft at Kalapatti Village, Coimbatore District that is the subject matter of acquisition, to the competent Authority constituted under Section 51 of the Central Act 30 of 2013.



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W.P.Nos.2001, 2004 & 2010 of 2024

PRAYER in W.P.No.2004 of 2024

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order dated 13.10.2023 made in R.C. No.296/ 2023/ A2/ Block-9 passed by the first respondent herein and quash the same and consequently direct the first respondent herein to refer the reference application/petition filed by the petitioner under Section 64 read with Section 51 of The Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013 (Central Act 30 of 2013) as amended therein with respect to the house site belonging to the petitioner herein along with the building therein comprised in Survey No.666/2 668/3 in an extent of 2512 sq.ft at GKR Nagar Extension Kalapatti Village, Coimbatore District that is the subject matter of acquisition, to the competent authority constituted under Section 51 of the Central Act 30 of 2013.



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PRAYER in W.P.No.2010 of 2024

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus Calling for the records relating to the order dated 17.10.2023 made in R.C. No.735/ 2023/ A2/ Block-10 passed by the first respondent herein and quash the same and consequently direct the first respondent herein to refer the reference application/ petition filed by the petitioner under Section 64 read with Section 51 of The Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013 (Central Act 30 of 2013) as amended therein with respect to the lands of the petitioner herein comprised in Survey No.674/6 part in an extent of 4903 sq. ft. 11 cents 112 sq. ft. in Kalapatti Village Coimbatore District by virtue of his purchase by way of registered sale deed dated 27.10.2004 registered as Document No.5428/2004 on the file of the Sub Registrar, Gandhi Puram, Coimbatore that is the subject matter of acquisition, to the compente Authority constituted under Section 51 of the Central Act 30 of 2013.



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For Petitioner : Mr.N.Damodaran

For Respondents : Mr.T.Arunkumar
Additional Government Pleader

ORDER

The Writ Petitions have been filed to issue Writs of Certiorarified Mandamus, to call for the records relating to the orders dated 13.10.2023, 16.10.2023 and 17.10.2023 made in R.C. Nos.296, 714 & 735 / 2023/ A2/ Block-9 passed by the first respondent herein and to quash the same and also to direct the first respondent herein to refer the reference application/petition filed by the petitioner under Section 64 read with Section 51 of The Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013), as amended therein.

2. Heard the learned counsel for the petitioners and the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.



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3. Learned counsel for the petitioners submitted that the Revenue Divisional Officer had acquired the petitioners' land for the purpose of expansion of run-way for Coimbatore International Airport. Since the Award passed by the first respondent does not reflect fair compensation, the petitioners have made representations before the District Collector, Coimbatore/ first respondent herein to refer the matter before the competent Civil Court/Land Tribunal. Instead of referring the matter before competent Forum, the first respondent himself rejected the petitioners' applications/representations without any valid reason. Further the first respondent, cannot sit as original authority as well as appellate authority and pass the order. Challenging the orders dated 13.10.2023, 16.10.2023 and 17.10.2023 passed by the first respondent, the writ petitioners have filed the present writ petitions.

4. Learned Additional Government Pleader appearing for the respondents submitted that the petitioners have invoked the wrong provisions of the Act of 2013 and if at all the petitioners are aggrieved



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by the order passed by the first respondent, they should have seek their remedy under the provision of the Tamil Nadu Acquisition of Land for Industrial Purpose Act, 1997 and not under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, before the concerned authority.

5. On a perusal of the records, it is seen that the Award itself was passed by the first respondent. Aggrieved by the Award passed by the first respondent, the petitioners made representation for enhancement of compensation. The first respondent ought to have referred the matter before the competent forum/Tribunal. Instead of referring the matter before appropriate authority, the first respondent had himself rejected the petitioners' representations and passed the impugned orders which are against the provisions of law and also the petitioners have not been deprived of natural justice. No official can act as both the original authority as well as appellate authority. Section 8(1) of the Act clearly says that, if a person is aggrieved by the order of the official concerned, he may make reference under Section 8(1) of the Act and the same has to



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be referred to the competent forum within a period of 60 days.

Therefore, the impugned orders suffer from illegality, irregularity or impunity.

6. Under the above facts and circumstances, the impugned orders passed by the first respondent are quashed. The first respondent is directed to refer the representations of the petitioners before the competent forum/Land Acquisition Tribunal namely the First Additional Subordinate Judge, Coimbatore.

7. With the abovesaid direction, the Writ Petitions are disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

04.03.2024

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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WEB COPY **To**

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Coimbatore District,
Collectorate Office,
Coimbatore-641 018.
- 2 The Special District Revenue Officer (L.A.)(L.C)
Extension of Runway at Coimbatore Airport,
Coimbatore-641 018.
3. The First Additional Subordinate Judge, Coimbatore.



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P.VELMURUGAN, J.

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**W.P.Nos.2001, 2004 & 2010 of 2024
and
W.M.P.Nos.2124, 2127 & 2137 of 2024**

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