



Common Order dated 19.03.2024
in W.P.Nos.3671, 3677 and 3681 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19.03.2024

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.Nos.3671, 3677 and 3681 of 2024

and

W.M.P.Nos.3964, 3965, 3966, 3968, 3978, 3981, 3974 and 3976 of 2024

1. K.Ramaswamy
2. S.Devarajan
3. C.Boopathy

.. Petitioners in W.P.No.3671 of 2024

1. P.Saravanan
2. B.Shanthi
3. P.Sundararajan
4. P.Lakshmi

.. Petitioners in W.P.No.3677 of 2024

1. Madheena
2. M.Banu Priya

.. Petitioners in W.P.No.3681 of 2024

Vs.

1. Land Acquisition cum District Collector,
Coimbatore District,
Coimbatore Office,
Coimbatore-641 018.
2. Special District Revenue Officer (LA) (I.C),
Extension of Runway at Coimbatore Airport,
Coimbatore-641 018.

.. Respondents in all the Writ Petitions

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Writ Petition No.3671 of 2024 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the order dated 17.10.2023 made in R.C.No.807/2023/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 petitioners 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 petitioners herein comprised in Survey No.674/4 in an extent of 6.1/2 cents and 6.1/2 cents, totalling to an extent of 13 cents 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 and within such time as may be prescribed by this Court.

Writ Petition No.3677 of 2024 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the order dated 13.10.2023 made in R.C.No.282/2023/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 petitioners 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 petitioners herein comprised in Survey No.666/2 and Survey No.668/3 in an extent of totalling 2508 Sq.Ft. situated at G.K.R.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 and within such time as may be prescribed by this Court.

Writ Petition No.3681 of 2024 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the order dated 17.10.2023 made in R.C.No.161/2022/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 petitioners 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 petitioners herein comprised in Survey No.671/1 in an extent of 2418 Sq.Ft. situated at Kalapatti Village,

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Coimbatore District, that is the subject matter of acquisition, to the competent Authority constituted under Section 51 of the Central Act 30 of 2013 and within such time as may be prescribed by this Court.

For petitioners in all the Writ Petitions : Mr.N.Damodaran
For respondents in all the Writ Petitions: Mr.S.J.Mohammed Sathik,
Govt. Advocate

COMMON ORDER

Writ Petition No.3671 of 2024 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the order dated 17.10.2023 made in R.C.No.807/2023/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 petitioners 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 petitioners herein comprised in Survey No.674/4 in an extent of 6.1/2 cents and 6.1/2 cents, totalling to an extent of 13 cents 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 and within such time as may be prescribed by this

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Court.

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2. Writ Petition No.3677 of 2024 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the order dated 13.10.2023 made in R.C.No.282/2023/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 petitioners 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 petitioners herein comprised in Survey No.666/2 and Survey No.668/3 in an extent of totalling 2508 Sq.Ft. situated at G.K.R.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 and within such time as may be prescribed by this Court.

3. Writ Petition No.3681 of 2024 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the order dated 17.10.2023 made in R.C.No.161/2022/A2/Block-10 passed by the first respondent herein and quash the same and consequently direct the first respondent herein to refer the

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reference application/petition filed by the petitioners 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 petitioners herein comprised in Survey No.671/1 in an extent of 2418 Sq.Ft. situated 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 and within such time as may be prescribed by this Court.

4. Though in all these Writ Petitions, the land(s) were acquired under the Tamil Nadu Acquisition of Lands for Industrial Purposes Act, and the District Collector himself is the authority who had passed the Award, aggrieved by the same, the petitioners have filed representations for enhancement of compensation. Once again, it is seen that the Collector himself has passed the Award on 28.06.2023 and thereafter, he has also rejected the representation of the petitioners on the respective dates. Under Section 8 of the said Industrial Purposes Act, if aggrieved by the order of the Collector, a land-loser files any representation for enhancement of compensation and the Collector can only refer the matter to the Civil Court for enhancement of compensation as per Section 8 of the Industrial Purposes Act, whereas in this case, the Collector who himself has passed the Award, subsequently, himself has passed the impugned

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orders, which is against the principles of natural justice and also against the fundamental principle that the person who passed the Award, cannot himself sit as an appellate authority and once again deal with the matter, either rejecting the representation or passing the Award. Therefore, all these Writ Petitions are to be allowed on the above said short ground.

5. Accordingly, all these Writ Petitions are allowed and the impugned orders are quashed. The first respondent is directed to refer the representation(s) of the petitioners seeking enhancement of compensation, before the Civil Court under Section 8 of the Industrial Purposes Act. There shall be no order as to costs. Consequently, W.M.P.Nos.3964, 3968 and 3974 of 2024 are ordered on payment of separate Court fee by each of the petitioners. Resultantly, other W.M.Ps. are closed.

19.03.2024

CS

To

1. Land Acquisition cum District Collector,
Coimbatore District, Coimbatore Office, Coimbatore-641 018.
2. Special District Revenue Officer (LA) (I.C),
Extension of Runway at Coimbatore Airport, Coimbatore-641 018.

P.VELMURUGAN, J



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