



W.P.No.6808 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

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- 1.R.Nagalakshmi
- 2.Sulosana
- 3.Suseela
- 4.Sarojini
- 5.Anandhi

...Petitioners

-Vs-

- 1.The Secretary to Government,
Public Works Department,
Secretariat, Fort St.George,
Chennai – 600 009.
- 2.The District Collector,
Collectorate Complex,
Coimbatore – 18.
- 3.The District Revenue Officer,
Collectorate Complex,
Coimbatore – 18.
- 4.The Revenue Divisional Officer,
Collectorate Complex,
Coimbatore – 18.
- 5.The Special Tahsildar (LA),
National Highways, Collectorate Complex,
Coimbatore – 18.
- 6.The Tahsildar,



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Madukkarai Taluk,
Coimbatore District.

...Respondents

WEB COPY

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, directing the respondents to pay the compensation for the lands utilised, comprised in S.No.352/2 of an extent of acre 0.11 cents and in S.No.353/2 of an extent of 0.62 ½ cents, situated in Vellalore Village, Coimbatore District as per the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, (Act 30/2013) within a stipulated time and pass such further orders.

For Petitioners : Mr.S.Nedunchezhiyan

For R1 to R6 : M/s.M.Jayanthi
Additional Government Pleader

ORDER

This writ petition is filed for issuance of a Writ of Mandamus, directing the respondents to pay the compensation for the lands utilised, comprised in S.No.352/2 of an extent of acre 0.11 cents and in S.No.353/2 of an extent of 0.62 ½ cents, situated in Vellalore Village, Coimbatore District as per the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act (Act 30/2013) within a stipulated time.

2. Learned counsel appearing for the petitioners submitted that the



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subject lands comprised in S.No.352/2 of an extent of acre 0.11 cents and comprised in S.No.353/2 of an extent of acre 0.62½ cents were sought to be acquired under the Land Acquisition Act 1894 and utilised by the respondents for the formation of the by-pass road with the prior permission of the said Palanisamy, who was the registered land owner. The acquisition proceedings in respect of the same were not completed by passing the necessary award under the Old L.A. Act and the compensation for the said lands are not paid either to the said Palanisamy or the petitioners herein till date. Hence, the petitioners are entitled to get compensation for the said lands only under the provisions of the New Act 30/2013 and the respondents are under obligation to pay the compensation for the lands utilised by them.

3. Learned Additional Government Pleader appearing for the respondents filed a counter affidavit on behalf of the respondents dated 08.09.2021 and the relevant paragraphs are extracted hereunder for better appreciation and understanding:

8. I further submit that as the entire land acquisition and also the payment of fair compensation have been made and also confirmed and finalized by the said Palanisamy Konar, all as per the Provisions of the Old Act 1894 and remained undisputed till his death in the year



2005, the necessity to invoke any provisions of the New Act 30/2013 does not arise.

9. I further submit that from the pleadings of the petitioners, it is ascertained that the petitioners are in knowledge of the fact that the land to an extent of acre 1.47 cents in S.No.353/3 of Vellalur Village belonging to the said Palanisamy Konar was also subjected to land acquisition in the above said proceedings. From the records filed along with this Counter Affidavit, it is ascertained that the above said lands of the said Palanisamy Konar including acre 1.47 cents in S.No.353/3 of Vellalur Village had been acquired and the said Palanisamy Konar had received the appropriate compensation. It is further ascertained that ever since the acquisition, the said land is in possession and enjoyment of the Government till date. But in this Writ Petition, the petitioners are pleading and claiming that the petitioners are in possession and enjoyment of the said acre 1.47 cents in S.No.353/3 till date. The Patta in respect of the said land in S.No.353/3 does not stand in the name of either Palanisamy Konar or the petitioners. Both the said Palanisamy Konar and the petitioners have no title, right or interest in respect of the said land in S.No.353/3 or any other lands that were acquisitioned from the said Palanisamy Konar.

4. Heard both sides and perused the materials available on record.

5. **Taking into consideration the above factual matrix of the**



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case, it is not in dispute that the compensation has been paid to one **Mr.Palanisamy Konar**, as per the Land Acquisition Act, 1894 and remained undisputed till his death in the year 2005. Hence, the necessity to invoke any provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation, and Resettlement Act, 2013, does not arise.

6. Accordingly, **writ petition stands closed**. No costs.

14.06.2024

cda

Index : Yes/No

Speaking/Non Speaking order

To

1.The Secretary to Government,
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