



WEB COPY



W.P.Nos.10923, 10933, 10934, 10937, 10939 and 10940 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.Nos.10923, 10933, 10934, 10937, 10939 and 10940 of 2023
and WMP.No.10816 of 2023

Suresh Chandra Jaiswal

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary,
Department of Industries, Fort St.George,
Chennai - 600 009.

2.The Land Acquisition Officer cum,
The District Collector,
Kancheepuram District,
Kancheepuram.

3.The Special Tahsildar,
Land Acquisition,
Unit-II, SIPCOT,
Oragadam Expansion Scheme - II,
Kancheepuram District - 602 105.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the award of the 2nd respondent in Na.Ka.No.05/2009, dated



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23.11.2020 and quash the same and to consequently direct the 2nd respondent to pass a fresh award by reckoning the base date for arriving at the compensation as 01.01.2014 and grant all benefits flowing therefrom together with interests.

For Petitioner : Mr.S.Lakshmikanth

For Respondent : Mr.P.Sathish
Additional Government Pleader

COMMON ORDER

These writ petitions are filed challenging the award passed by the second respondent taking the date of issuance of 3(2) notice as base date for calculating the compensation in respect of the land of the petitioner acquired for industrial purpose. The award passed by the second respondent was assailed by the petitioner on the ground that the base date for calculation shall be 01.01.2014. The petitioner relied on the order passed by the Division Bench of this Court in W.A.No.1063 of 2012 batch case.

2. The learned Additional Government Pleader appearing for the respondents submits that challenging the order passed by the Division Bench of this Court in the above mentioned case, the requisition body viz.,



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SIPCOT had filed a Special Leave Petition in SLP.Diary No.7171 of 2023 and the Supreme Court by order dated 08.05.2023 granted following interim order:

“Considering the facts and circumstances, the proceedings for revised award as directed by the High Court may go on but the final award shall not be declared without leave of this Court.

This interim order is without prejudice to the rights and contentions of all the parties.

No equity shall stand created in favour of any party.”

In the case pending before the Supreme Court, the respondents were directed to proceed with the enquiry. However, they were restrained from passing any final order. Therefore, at this stage, this Court cannot direct the second respondent to pass fresh award by taking 01.01.2014 as a base date. It is made clear, in case in the pending SLP, it is ultimately decided by the Apex Court that correct date for calculating compensation is 01.01.2014, the respondents shall pass fresh award. In case, in the pending



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matter, the Supreme Court holds that base date for calculating compensation is 01.01.2014, the petitioner is entitled to make a representation to the second respondent and the second respondent shall pass fresh award taking 01.01.2014 as a base date for the purpose of determination of compensation within twelve weeks from the date of such representation. In case, the base date for calculation of compensation is held to be date of 3(2) notice, the impugned award still stand without any modification.

3. Accordingly, these writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petition is closed.

11.09.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
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S.SOUNTHAR, J.

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