



WEB COPY



W.A.No.1254 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2024

CORAM :

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN**

Writ Appeal No.1254 of 2021

1. The Government of Tamil Nadu,
Represented by Secretary to Government,
Energy Department,
Fort St.George, Secretariat,
Chennai - 600 009.
2. The District Collector,
Kancheepuram District.
3. The Special Tahsildar (L.A.)Unit-IV,
Ultra Mega Power Project, Cheyyur,
Kanchipuram District.

... Appellants

Vs.

Palani

... Respondent

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order passed in W.P.No.27516 of 2016 dated 30.01.2018.

For Appellants : Mr.A.Selvendran
Special Government Pleader

For Respondent : Mr.A.R.Karthik Lakshmanan



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J U D G M E N T

(Judgment of the Court was delivered by **S.M.SUBRAMANIAM, J.**)

The issue involved in this appeal is regarding the payment of compensation either under the Act under which the acquisition proceedings were initiated or under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the Act').

2. It is submitted by both the learned counsels that the issue involved is covered by the judgment of the Division Bench of this Court in W.A.No.2901 of 2019 dated 05.09.2019. The learned Government Counsel further submitted fairly that a challenge was made to the amended provision contained under Section 105A of the Act and the same has been struck down by the Division Bench of this Court and during the pendency of the W.P.(C) No.1411 of 2020 dated 29.06.2021 (***G.Mohan Ram and Others Vs. State of Tamil Nadu and Others***), a new amendment has come into force, which has



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been declared as intravires and even in the said amendment, the compensation has to be fixed under the provisions of the Act as per Section 6 (3).

3. In view of the above, this Writ Appeal stands **dismissed**. Accordingly, we direct the appellants to proceed further and pass an award as per the newly amended provision. The aforesaid process will have to be completed within a period of four months from the date of receipt of a copy of this judgment. No costs.

[S.M.S.J.] [C.K.J.]
06.06.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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