



WEB COPY



WP.Nos.16651 & 16656 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.Nos.16651 & 16656 of 2024
and W.M.P.Nos.18285, 18299 of 2024

Farisha Begum

.. Petitioner in W.P.No.16651 of 2024

1.Farisha Begum

2.Mohammed Shafeek

3.Mohammed Ibrahim Sugaif

4.Sumaya Banu

.. Petitioners in W.P.No.16656 of 2024

Versus

The District Collector

Coimbatore District, Coimbatore

.. Respondent in both WPs

Prayer in W.P.No.16651 of 2024: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent herein to pass an award in terms of section 30 of the right to fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and consider the market value of the properties comprised in Town Survey No.A/4/65, 67, 68 admeasuring to an extent of 4.53 Acres in Patta No.16, Odenthurai Village, Mettupalayam Taluk, Coimbatore District as on 03.07.2019.

Prayer in W.P.No.16656 of 2024: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent herein to pass an award in terms of section 30 of the right to fair



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compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and consider the market value of the properties comprised in Town Survey No.C/1/2-5 admeasuring to an extent of 38 Ares, Chikkadasampalayam Village in patta No.58, Mettupalayam Taluk, Coimbatore District and T.S. No.A/4/58, admeasuring to an extent of 23 Ares, Odandurai Village in patta No.2, Mettupalayam Taluk, Coimbatore District as on 03.07.2019.

In both WPs

For Petitioners : Mr.G.Krishnakumar

For Respondents : Mr.P.Sathish
Additional Government Pleader

COMMON ORDER

These writ petitions have been filed for a direction to pass an award in pursuant to the notification issued under Section 13(2) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 and pay compensation in terms of Section 30 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (Central Act 30 of 2013).

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<https://www.mhc.tn.gov.in/judis>



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WEB COPY 2. It is the case of the writ petitioner that the petitioner's mother filed a writ petition in W.P.No.34418 of 2014 to pay adequate compensation of the subject property which was submerged and the same was disposed with a direction to the respondent to fix a compensation and dispose of the same. However, no compensation is fixed which resulted in filing Cont.P.No.1547 of 2015, the same was closed taking note of the submission of the Electricity Board that will raise level of the land. However, no action has been taken. In the meanwhile, on 31.07.2015, the petitioner's mother has executed a settlement deed in Doc.No.6235 of 2015 in favour of the petitioner. A writ petition was also filed in W.P.No.8138 of 2016 and the same was disposed of with a direction to decide the quantum of the compensation payable to the petitioner for the damages caused to the subject property. When the matter stood thus, a notification under Section 13(2) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997. However, award has not been passed. The Commissioner of Land Administration, Chepauk on 10.11.2023 issued a proceedings stating that the compensation will be paid for submerged land. Hence, this writ petition for a direction to pass award.

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3. It is the case of the writ petitioners that the first petitioner's husband and father of the petitioners 2 to 4 filed a writ petition in W.P.No.34419 of 2014 to pay adequate compensation of the subject property which was submerged and the same was disposed with a direction to the respondent to fix a compensation and dispose of the same. However, no compensation is fixed which resulted in filing Cont.P.No.1548 of 2015, the same was closed taking note of the submission of the Electricity Board that will raise level of the land. However, no action has been taken. A writ petition was also filed in W.P.No.8137 of 2016 and the same was disposed of with a direction to decide the quantum of the compensation payable to the petitioner for the damages caused to the subject property. When the matter stood thus, a notification under Section 13(2) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997. However, award has not been passed. The Commissioner of Land Administration, Chepauk on 10.11.2023 issued a proceedings stating that the compensation will be paid for submerged land. Hence, this writ petition for a direction to pass award.

4. Heard learned counsel for the petitioners and the learned Additional Government Pleader appearing for the respondents in both the writ petitions and perused the materials available on record.



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WEB COPY 5. By consent of both parties, these writ petitions are taken up for final disposal at the admission stage itself.

6. Considering the limited relief sought for in these writ petition, the respondent is directed to decide the compensation and pass an award in pursuant to the notification issued under the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 within a period of three months from the date of receipt of copy of this order.

7. With the above directions, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

01.07.2024

dhk
Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No

N. SATHISH KUMAR, J.

dhk



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To
The District Collector
Coimbatore District, Coimbatore

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