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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.Nos.19779, 19782, 19784 & 20192 of 2024
and W.M.P.Nos.21661, 21663, 21666 & 22104 of 2024

Sundarrajan Seshan	...	Petitioner [in W.P.No.19779 of 2024]
P.S.Raghavan	...	Petitioner [in W.P.No.19782 of 2024]
Vijayalakshmi	...	Petitioner [in W.P.No.19784 of 2024]
C.Udaya Kumar	...	Petitioner [in W.P.No.20192 of 2024]

versus

- 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
[in all W.Ps]

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the Award of the second respondent in Na.Ka.No.06/2009, dated Nil.Nil.2020; Na.Ka.No.07/2009, dated Nil.11.2020 and Na.Ka.No.05/2009, dated Nil.10.2021 and quash the same and to consequently direct the second respondent to pass a fresh award by reckoning the base date for arriving at the compensation as on 01.01.2014 and grant all benefits flowing therefrom together with interests, etc.

For Petitioner : Mr.S.Lakshmikanth
[in all W.Ps]

For Respondents : Mr.S.J.Mohammed Sathik
[in W.P.Nos.19779, Government Advocate
19782 & 19784 of 2024]

For Respondents : Mr.P.Ganesan
[in W.P.No.20192 of 2024] Additional Government Pleader

COMMON ORDER

By consent of both sides, these Writ Petitions are disposed of at the stage of admission itself.



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2. All the above Writ Petitions have been filed challenging the Award of the second respondent and consequently direct the second respondent to pass a fresh Award by reckoning the base date for arriving at the compensation as on 01.01.2014.

3. The case of the writ petitioners is that while passing award, the second respondent has failed to correctly reckon the base date for determining the compensation. According to him, the base date ought to have been taken note as 01.01.2014 and therefore, seeks to quash the proceedings and direct the respondents to fix the base date as 01.01.2014.

4. The only submission made is with regard to the above aspect a similarly situated person whose lands also acquired for the industrial purpose came before the first Bench of this Court in W.A.No.1063 of 2012 and batch of cases. This Court passed the order dated 17.10.2022, the relevant paragraphs reads as follows:-

“23. In addition there to, the very same question also came up before the Division Bench of Allahabad High Court, in Ishan International Educational Society through its Director versus State of Uttar Pradesh reported and others reported in



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MANU/UP/0203/2022, wherein Allahabad High Court by placing reliance on the earlier three Division Benches of the said Court and also the clarificatory note prepared by the Government of India has held as follows:

“The three Division Bench judgments referred to above have also held that where land acquisition proceedings had commenced under the provisions of 1894 Act but award was not made prior to 1 January 2014 under Section 11 of the 1894 Act, then in that case, all the provisions of 2013 Act relating to determination of compensation shall apply and the date of determination of the market value of the land should be treated as 1 January 2014 in terms of the directions issued by the Central Government.”

In the light of the above observation, which squarely covers the issue raised in the present case, we agree with the views expressed by the Division Bench of Allahabad High Court. Therefore, we hold that the base date for the purpose of determining compensation under Central Act 30 of 2013 in the case on hand is the date of commencement of the Central Act 30 of 2013, namely 01.01.2014. Accordingly, the respondents are directed to pass a fresh award by taking 01.01.2014 as base date for determination of compensation.”

31. *In view of our findings in the common question that arose for consideration with regard to the determination of*



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base date all other writ petitions are disposed off with direction to the respondent/Land Acquisition Officer to pass fresh award by taking 01.01.2014 as a base date for determination of compensation under Central Act 30 of 2013 after issuing notice to the land owners concerned by following the procedure in accordance with law.”

In the above order in respect of same notification, this Court has fixed the base date as 01.01.2014 and directed the authorities to pass a fresh Award by taking 01.01.2014 as a base date for determination of compensation under Central Act 30 of 2013 after issuing notice to the land owners concerned by following the procedure in accordance with law.

5. The learned Government Advocate appearing for the respondents has not disputed the above factual aspects.

6. Since the issue is already no longer *res integra* and the Division Bench has fixed a base date as 01.01.2014, different base dates cannot be fixed while passing awards. Accordingly awards are set aside, the



respondents are directed to pass fresh award by taking 01.01.2014 as the base date for determination of compensation under Central Act 30 of 2013.

7. In the result, these Writ Petitions are allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

24.07.2024

Speaking order / Non-speaking order
Index : Yes / No
Neutral Citation : Yes / No

sri



To

- 1.The Secretary,
State of Tamil Nadu,
Department of Industries,
Fort St.George,
Chennai - 600 009.
- 2.The Land Acquisition Officer cum
The District Collector,
Kancheepuram District,
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N.SATHISH KUMAR, J.

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