



W.A.No.809 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.809 of 2024

1. A.Ramachandra Babu
2. R.Rajalakshmi

.. Appellants

Vs.

1. The Special Tahsildar (LA) Unit – 1
MRL Aromatic Scheme
Saidapet, Chennai – 600 015.
2. Madras Refineries Limited (CPCL)
Aromatic Complex, Saidapet
Chennai – 600 015.
3. The Company Secretary
Chennai Petroleum Corporation Limited
No.552, Anna Salai, Chennai – 18.
4. M/s.Toshiba JSW Turbine and Generator Pvt. Ltd.
Andarkuppam Check Post
Manali New Town, Chennai – 600 103.

.. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the



W.A.No.809 of 2024

order in W.P.No.3768 of 2022 dated 12.07.2023.

For the Appellants : Mr.N.Thirumalai

For the Respondents : Mr.C.Kathiravan
Special Government Pleader
for R1

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

Heard Mr.N.Thirumalai, learned counsel for the appellants and Mr.C.Kathiravan, learned Special Government Pleader for the first respondent.

2. The land of the appellants was acquired. It is submitted that the award was passed in the year 1992. The appellants filed a reference under Section 18 of the Land Acquisition Act, 1894 [in short, the Act of 1894"] for enhancement of the compensation amount. In the year 2009, the property was transferred to the fourth respondent for higher amount. The appellants acquired 40% share in the higher amount, for which, the land was transferred in favour of the fourth respondent. Learned Single Judge dismissed



W.A.No.809 of 2024

the writ petition. Aggrieved thereby, the present writ appeal.

3. Learned counsel appearing for the appellants submits that Section 102 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 [for brevity, "the Act of 2013"] has not been considered by the learned Single Judge.

4. As per Section 102 of the Act of 2013, *"whenever the ownership of any land acquired under this Act is transferred to any person for a consideration, without any development having taken place on such land, forty per cent of the appreciated land value shall be shared amongst the persons from whom the lands were acquired or their heirs, in proportion to the value at which the lands were acquired within a period of five years from the date of acquisition"*.

5. In the present case, the transfer admittedly is after a lapse of more than seventeen years. The appellants have also received the higher compensation amount. The land is acquired under the Act of 1894 and not under the Act of 2013. The ingredients of Section 102 of



W.A.No.809 of 2024

the Act of 2013 are not satisfied in the present case.

6. In the light of that, no case for interference is made out. The writ appeal, accordingly, stands disposed of. There shall be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

11.03.2024

Index : Yes/No

Neutral Citation : Yes/No

drm



W.A.No.809 of 2024

WEB COPY

To

1. The Special Tahsildar (LA) Unit – 1
MRL Aromatic Scheme
Saidapet, Chennai – 600 015.



WEB COPY



W.A.No.809 of 2024

THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

(drm)

W.A.No.809 of 2024

11.03.2024