



WEB COPY



W.A.No.2551 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2024

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR
AND
THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.A.No.2551 of 2022 and
C.M.P.No.20083 of 2022

1. K.R.Venkatachalam
2. K.R.Narayanaswamy

... Appellants/Petitioners

-VS-

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Transport Department, Fort St.George,
Chennai-600 009.
2. The District Collector,
Coimbatore,
3. The Special District Revenue Officer,
(Land Acquisition), Airport Runway Expansion,
Coimbatore.
4. The Special Tahsildar (Land Acquisition),
Unit-I, Airport Runway Expansion,
Coimbatore.

5. Ganesan

... Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 26.09.2022 passed in W.P.No.25966 of 2022 and consequently, allow the Writ Petition No.25966 of 2022.



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W.A.No.25966 of 2022

For Appellants : Mr.T.Sai Krishnan
For R1 to R4 : Mr.C.Kathiravan
Spl. Govt. Pleader
For R5 : Mr.P.Rajendran
For Mr.V.Jeyachandran

J U D G M E N T

(By D.Krishnakumar,J.)

This Writ Appeal has been filed, challenging the order of the learned Single Judge dated 26.09.2022 passed in W.P.No.25966 of 2022, by which the Writ Petition filed by the Writ Petitioner/appellants herein was dismissed with liberty to approach the competent Civil Forum.

2. It is the case of the appellants that they are the owners of the lands comprised in S.F.No.290/4B & 290/4C of Irugur Village, Sulur Taluk, Coimbatore District to an extent of 2.38 acres. The 1st respondent issued a notification under Section 3(1) of Tamil Nadu Acquisition of Land for Industrial Purpose Act, 19997 in the Tamil Nadu Government Gazette on 10.01.2013 for acquiring their lands for the purpose of expansion of Airport runway and as such, the appellants are entitled to claim compensation for the lands acquired. It is further case of the appellants that since the respondents 3 and 4 intended to disburse the compensation amount to R5, who is the



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neighboring land owner of lands comprised in S.F.No.290/5 and has nothing to do with the lands of the appellants in S.F.No.290/4, the appellants had filed a Writ Petition before this Court, seeking to forbear R1 to R4 from making payment or disbursing the compensation amount to R5, in which the aforesaid order was passed by the learned Single Judge, which is under challenge in this Writ Appeal.

3. According to the appellants, they had already filed a Civil Suit in O.S.No.245 of 2021 before the Principal Sub-Court, Coimbatore by impleading the Official and private respondents as parties to the suit and they will abide by the decision to be taken by the Civil Court. According to them, as per the provisions of Section 9 (2) of the Act, after determination of the amount under Section 7, if any dispute arises as to the apportionment of the same or any part thereof, or as to the persons to whom the same or any part thereof is payable, the Collector may refer such dispute for the decision of the Court.

4. In spite of several opportunities given to the 5th respondent, he has not chosen to file any counter affidavit to controvert the submission made by the appellants. A reading of Section 9 (2) of the Act vividly makes it clear that in case of any dispute with regard to disbursement of the compensation amount, it is for the concerned Court



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to decide and therefore, we are of the view that since the Civil Court seized of the matter, the entitlement of the compensation amount would be based on the decision of the Civil Court. Hence, we are inclined to pass the following order:

i) The respondents are directed to deposit the amount determined by them in respect of S.F.No.290/4B & 290/4C of Irugur Village, Sulur Taluk, Coimbatore District to an extent of 2.38 acres before the jurisdictional Civil Court within a period of twelve weeks from the date of receipt of a copy of this judgment;

ii) On such deposit, it is open to the parties to establish their rights and withdraw the amount based on the judgment and decree to be passed by the Civil Court.

5. With the above observation and direction, this Writ Appeal is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K., J.,]

[K.B., J]

16.07.2024

Index: Yes / No

Internet: Yes / No

Speaking Order/Non Speaking Order
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To:

1. The Secretary to Government,
State of Tamil Nadu,
Transport Department, Fort St.George,
Chennai-600 009.
2. The District Collector,
Coimbatore,
3. The Special District Revenue Officer,
(Land Acquisition), Airport Runway Expansion,
Coimbatore.
4. The Special Tahsildar (Land Acquisition),
Unit-I, Airport Runway Expansion,
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