



WEB COPY



WA No.3351 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WA No.3351 of 2023

1.K.G.Meiyazhagan
rep. By Power Agent S.Thilagamani

2.S.Thilagamani : Appellants

versus

1.The Special District Revenue Officer
Land Acquisition
Chennai Kanyakumari Industrial Corridor project
Plot No. 74 Vijayaraghavan Nagar
Zakir Ammapalayam
Salem 636 302

2.The Direct Registrar (Registration Department)
Office of the District Registrar
Campus of the office of the District Collector
Salem District : Respondents

Prayer: Writ appeal filed under Clause 15 of the Letters Patent against the order of the learned Single Judge in WP No.5421 of 2022 dated 14.09.2023.

For the Appellants : Mr.B.Kumar,
Senior Counsel,
for Mr.S.Senthil

For the Respondents : Mr.K.Karthik Jegannath,
Government Advocate



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JUDGMENT

(Made by the Hon'ble Chief Justice)

We have heard Mr.B.Kumar, learned Senior Counsel for the appellants and Mr.K.Karthik Jegannath, learned Government Advocate, for the respondents.

2. The learned Single Judge has dismissed the writ petition observing that it is premature. Aggrieved thereby, the present writ appeal.

3. According to the appellants, for determination of compensation for the land acquired, the respondents have taken four years. Notification under Section 15(2) of the Tamil Nadu Highways Act was issued on 14.01.2020. As yet, award is not passed. Section 26 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 is applicable for the computation of compensation at the market value. Determination of market value of the land is the market value as on the date of issuance of notification; in the present case, notification under Section 15(2) of the Highways Act dated 14.01.2020.



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4. There is no dispute with the proposition that the market value of the land has to be computed as per the methodology prescribed under Section 26 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and the market value of the land is determined as on the date of the notification; in the present case, notification under Section 15(2) of the Highways Act dated 14.01.2020.

5. It is high time the respondents pass the award. The award shall be passed within four months from today.

6. The writ appeal stands disposed of. There shall be no order as to costs. Consequently, CMP No.27347 of 2023 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

19.03.2024

Index : Yes/No
Neutral Citation : Yes/No
tar

To

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