



W.P.No.33256 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.33256 of 2023

and

W.M.P.Nos.32982, 32983 & 32984 of 2023

A.Kasthuri

... Petitioner

Vs.

1. The District Collector,
Chengalpattu District,
Chengalpattu.

2. The Deputy Director,
Town and Country Planning Department,
Chengalpattu Region,
Chengalpattu,
Kancheepuram District.

3. The Tahsildar,
Cheyyur Taluk,
Cheyyur,
Chengalpattu District.

4. The Special Tahsildar,
(Land Acquisition) Unit-V,
Ultra Mega Power Project,
Cheyyur Scheme,
Cheyyur.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent in Award No.02/2023 (Na.Ka. 31760/ 2014/A1) dated 28.02.2023 and to quash the same in so far as the petitioner's land of an extent of in so far as the petitioners land in Survey No.350/9B of an extent of 59250 sq. ft. is concerned and consequently direct the 1st respondent to pass a fresh Award in so far as the petitioner's lands are concerned having 01.01.2014 as the base date for computation of compensation, after affording an opportunity of hearing to the petitioner herein on other aspects of the Award.

For Petitioner : Mr.Rahul Balaji

For Respondents : Mr.R.U.Dinesh Rajkumar
Additional Government Pleader

ORDER

This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent in Award No.02/2023 (Na.Ka. 31760/ 2014/A1) dated 28.02.2023 and to quash the same and to direct the first respondent to pass a fresh Award.



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2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

3. It is submitted by the learned counsel for the petitioner that the respondents acquired the petitioners' land for the purpose of setting up of a Captive Port for Cheyyur Ultra Mega Power Project. Though the respondents acquired the petitioner's land under the Tamil Nadu Acquisition of Land for Industrial Purposes Act, (Old Act) in the year 2011, the Award has been passed only on 28.02.2023, much later than the New Act came into force. Further, the respondents committed error while calculating the compensation amount. The Award has not been passed in accordance with the provisions of the Act. They have calculated the compensation based on the date of Notification. The respondents failed to follow Section 24 (1) of the New Act. Therefore, the Award passed by the respondents has to be quashed and sought direction to the respondents to compute the compensation under the New Act.

4. Learned Additional Government Pleader appearing for the



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respondents fairly conceded that though acquisition was made under the old Act, the Award has been passed only on 28.02.2023, after the new Act came into force.

5. He further submitted that though mode of computation is under the new Act, the land value has been taken as per the old Act from the date of Notification. He admitted that market value for the acquired land has been arrived at on the date of Notification.

6. In view of the above, impugned Award passed by the respondents is set aside. The respondents are directed to conduct fresh enquiry regarding fixation of market value of the acquired land and after conducting enquiry, compute the compensation under the New Act with effect from 01.01.2014. The abovesaid exercise shall be completed within period of six months from the date of receipt of a copy of this order.

7. With the abovesaid directions, the Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected



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miscellaneous petitions are closed.

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

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