



W.P.No.33022 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.33022 of 2023

and

W.M.P.Nos.32713 & 32714 of 2023

V.Sivakumar

... Petitioner

Vs.

1. The District Collector,
Collectorate Building,
Coimbatore – 641 018.

2. The Special District Revenue Officer,
(Land Acquisition),
Coimbatore Airport Runway Expansion,
Coimbatore District.

... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the order passed by the second respondent in his proceedings in Che.Mu.Na.Ka.No.817/2023/A2(Block-9) (2) dated 19.09.2023 and to quash the same as illegal and consequently to direct the respondents, I, II,



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and III to determine the compensation payable to the petitioner's land situated in Ka.Sa.No.666/1B & Ka.Sa.No.666/3A, Kalapati village, Coimbatore North, Coimbatore District in accordance to the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act 2013 by considering the petitioner's representation dated 19.09.2023 and pay the same together with interest.

For Petitioner : Mr.M.Dinesh

For Respondents : Mrs.V.Yamunadevi
Special Government Pleader

ORDER

This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus calling for the records relating to the order passed by the first respondent herein in his proceedings in Che.Mu.Na.Ka.No.817/2023/A2(Block-9) (2) dated 19.09.2023 and to quash the same as illegal and consequently to direct the respondents to determine the compensation payable to the petitioner's land situated in Ka.Sa.No.666/1B & Ka.Sa.No.666/3A, Kalapati village, Coimbatore North, Coimbatore District in accordance to the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation



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& Resettlement Act 2013 by considering the petitioner's representation dated 19.09.2023 and pay the same together with interest.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the official respondents.

3. It is submitted by the learned counsel for the petitioner that the respondents herein acquired the petitioner's land for the purpose of extension of Airport. Since the authorities have fixed a meagre amount for the land, he filed the present petition.

4. The second respondent filed the counter. The learned Special Government Pleader appearing for the respondents submitted that if the petitioner is not satisfied with the order passed by the first respondent, alternative remedy is available under Section 8 of the Tamil Nadu Acquisition of Land and Industrial Purposes Act, 1997. In the impugned order passed by the first respondent, it is stated that if the petitioner is



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aggrieved by the award amount, he can file an appeal before the Appellate authority within a period of 60 days. Without exhausting the alternative and efficacious appellate remedy, the petitioner has filed the present writ petition. Hence the writ petition is not maintainable and the same is liable to be dismissed.

5. The petitioner has challenged the order dated 19.09.2023 passed by the first respondent. As per Section 8 of the Tamil Nadu Acquisition of Land and Industrial Purposes Act, 1997, there is an appellate remedy available before the appellate authority. The petitioner, without exhausting the statutory appellate remedy, has filed the present writ petition. Hence, this Court is not inclined to entertain this writ petition. However the petitioner is at liberty to work out his remedy in the manner known to law. In case, the petitioner chooses to file an appeal, the period spent for filing this writ petition is exempted to file an appeal before the Appellate Authority.

6. With the abovesaid direction, the Writ Petition is disposed of.



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There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

23.01.2024

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

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