



W.A.No.806 of 2024

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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.806 of 2024

N.Dandapani

Vs.

.. Appellant

1. The District Collector and District Magistrate
Kancheepuram District
Kancheepuram 631 502.

2. The Competent Authority and
Special District Revenue Officer (LA)
SIPCOT Oragadam LRK Scheme
Sriperumbudur – 602 105
Kancheepuram District.

3. The Special Tahsildar (LA)
SIPCOT DATCIT Dn
Oragadam, Irungattukottai
Kancheepuram District – 602 117.

4. The Special Tahsildar (LA)
DATCIT Oragadam Scheme – Unit 3
Tambaram, Chennai 600 045.

.. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 18.08.2023 in W.P.No.7208 of 2023.

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For the Appellant : Mr.M.Ramamoorthi
For the Respondents : Mr.K.Karthik Jegannath
Government Advocate
for R1 to R4

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

Heard Mr.M.Ramamoorthi, learned counsel for the appellant and Mr.K.Karthik Jegannath, learned Government Advocate for the respondents.

2. The appellant/writ petitioner approached this court by filing a writ petition bearing W.P.No.7208 of 2023, seeking directions against the first respondent to consider the Arbitration Application filed by the appellant/writ petitioner dated 19.01.2023 under the provisions of Sections 24(1)(a) and 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 [for brevity, "the Act of 2013"] and sought further directions to fix the basic compensation of Rs.25,61,61,547/- (Rupees Twenty Five Crores Sixty One Lakhs Sixty One Thousand Five Hundred and Forty Seven Only).

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3. The learned Single Judge allowed the writ petition, observing that the compensation has not been paid and the appellant/writ petitioner shall not be denied the benefit of filing an application seeking enhancement of compensation. The court directed the respondents to settle the compensation amount within a period of four weeks and further granted liberty to the appellant/writ petitioner to file an application for enhancement of the compensation under Section 18 of the Land Acquisition Act, 1894 [in short, "Act of 1894"]. The court also directed the authorities not to reject the application seeking enhancement of compensation on the ground of delay and such application is to be decided on merits.

4. Learned counsel for the appellant/writ petitioner submits that in fact, the appellant/writ petitioner ought to have been granted the liberty to move under the provisions of the Act of 2013 and not under the old Act of 1894.



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5. Section 24(1)(a) and (b) is clear. Section 24(1)(b) provides that *"where an award under said section 11 has been made, then such proceedings shall continue under the provisions of the said Land Acquisition Act, as if the said Act has not been repealed"*. Learned Single Judge has exercised his discretion in directing the respondent authorities to settle the compensation amount within a period of four weeks and further granted liberty to the appellant/writ petitioner to file an application under Section 18 of the Act of 1894. The same was also directed not to be dismissed on the ground of delay.

6. Learned counsel for the appellant/writ petitioner submits that though the order was passed on 18.08.2023, the respondents have not settled the compensation amount.

7. It is high time the respondents implement the order passed by the learned Single Judge dated 18.08.2023 in W.P.No.7208 of 2023. The respondent authorities shall implement the said order within a period of four weeks from today. It is made clear that if the order of the learned Single Judge is not implemented, then the authorities



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would be made liable for contempt of the orders of this court. Rest of the impugned order passed by the learned Single Judge is upheld.

8. 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

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