



W.A.Nos.1983 of 2021, 2384 to 2388 of 2013 etc., (10 cases)

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2024

CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

W.A.Nos.1983 of 2021, 2384 to 2388 of 2013, 1279 & 1280 of 2014,
268 of 2017 & 483 of 2021

and

CMP.Nos.12755 & 1925 of 2021 & 4212 of 2017

and

M.P.Nos.1, 1, 1, 1 & 1 of 2013 and 1, 1 of 2014

W.A.No.1983 of 2021

The State of Tamil Nadu,
Represented by Secretary to Government,
Housing and Urban Development Department,
Fort St.George,
Chennai - 600 009.

... Appellant

Vs.

1. C.Sudhakar Reddy
2. C.Gangarathinam
3. C.V.Muralikrishna
4. C.Vijayasekara Reddy
5. C.Chandra Shekar
6. E.Thulasi
7. K.Thatha Reddy
8. P.Bhasker

9. The Special Deputy Collector (Land

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Acquisition) Chennai Metropolitan,
Development Authority,
Gandhi-Irwin Road, Egmore,
Chennai - 600 008.

10. The Central Metropolitan Development
Authority,
Represented by Member Secretary,
Gandhi-Irwin Road, Egmore,
Chennai - 600 008.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the
order dated 01.07.2013 in W.P.No.2482 of 2003.

For Appellant	: Mr.A.Selvendran Special Government Pleader
For R1 to R8	: Mr.P.Subbareddy
For R10	: Mr.R.S.Sivakumar Standing Counsel for CMDA
For R9	: No appearance

COMMON JUDGMENT

(Common Judgment of the Court was made by **S.M.SUBRAMANIAM, J.**)

A batch of writ appeals have been instituted challenging the writ order
quashing Section 4(1) Notification and the subsequent Section 6 Declaration
and the award.



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2. Mr.A.Selvendran, learned Special Government Pleader would submit that the land at Koyambedu, Chennai has been acquired for developing “Mid West Madras Neighbourhood Land Development Scheme.” Accordingly, Section 4(1) Notification was issued in G.O.Ms.No.429. The procedures as contemplated under the Acquisition Act have been followed. Section 6 Declaration was issued by the competent Authority in G.O.Ms.No.54 dated 02.02.2000. Section 6 Declaration was published in the Tamil Nadu Government Gazettee on 02.02.2000 and thereafter, award was passed in Award No.3 of 2001 dated 05.12.2001.

3. The compensation determined were deposited before the competent Court. The writ Court after completion of entire process of land acquisition quashed Section 6 Declaration order and the award and further direction was issued to the appellant to withdraw the deposited amount from the Civil Court. Such an order passed by the writ court is not in consonance with the settled principles in acquisition proceedings. Once the acquisition proceedings have been completed in all respects and an award has been passed and the compensation determined by the Land Acquisition Officer has been deposited in the Civil Court, quashing of Section 6 Declaration would



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not arise at all. That apart, reasoning given by the learned Single Judge in the order impugned is running counter to the legal position settled by the Constitutional courts across the country.

4. We have not chosen to deal with each and every reason stated by the writ court, since such reasons are already considered by the courts and settled in catena of judgments. Admittedly, award was passed in Award No.3 of 2001 dated 05.12.2001 and the compensation has been deposited in the Civil Court.

5. It is needless to state that the erstwhile land owners from whom the lands are acquired for public purposes are entitled for just compensation under the provisions of the Acquisition Act. More-so, the land losers are entitled to seek enhancement of compensation by approaching the competent Authorities/Forum.

6. In this case, the respondents/land owners are at liberty to approach the appropriate forum seeking enhancement of compensation within a period of four (4) weeks from the date of receipt of a copy of this order. In



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the event of any such approach, the claim of the land owners are directed to be decided on merits and in accordance with law. The compensation amount deposited by the Land Acquisition Officer may be withdrawn by the respondents/land owners without prejudice to their claim for seeking enhancement of compensation and other benefits as admissible.

7. However, the acquisition proceedings set aside by the writ court is infirm and not in consonance with the settled legal principles. Consequently, all the writ appeals stand **allowed**. No costs. Consequently, connected miscellaneous petitions are closed.

[S.M.S., J.] [C.K., J.]
01.07.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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To

1. The State of Tamil Nadu,
Represented by Secretary to Government,
Housing and Urban Development Department,
Fort St.George,
Chennai - 600 009.
2. The Special Deputy Collector (Land
Acquisition) Chennai Metropolitan,
Development Authority,
Gandhi-Irwin Road, Egmore,
Chennai - 600 008.
3. The Central Metropolitan Development
Authority,
Represented by Member Secretary,
Gandhi-Irwin Road, Egmore,
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S.M.SUBRAMANIAM, J.

AND

C.KUMARAPPAN, J.

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