



W.P.(MD)Nos.9674 to 9678 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 31.07.2024

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD)Nos.9674 to 9678 of 2019

K.V.Nandhini,
W/o.M.P.Shyam Sundar,
Rep. by her Power of Attorney,
K.S.Venkatraman ... Petitioner in W.P.(MD)No.9674 / 2019

A.R.Sivaprakash ... Petitioner in W.P.(MD)No.9675 / 2019

S.P.Ajeetha ... Petitioner in W.P.(MD)No.9676 / 2019

K.S.Venkatraman ... Petitioner in W.P.(MD)No.9677 / 2019

K.V.Jothimani ... Petitioner in W.P.(MD)No.9678 / 2019

Vs.

- 1.The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Transport Department,
Fort St. George, Secretariat,
Chennai – 600 009.
- 2.The Commissioner of Land Administration,
Ezhilagam, Chepauk,
Chennai – 600 005.
- 3.The District Collector,
Madurai District, Madurai.
- 4.The District Revenue Officer,
Madurai District.



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5.The Tahsildar,
Unit-2, Land Acquisition (Airport Expansion),
Madurai Collectorate,
Madurai District.

... Respondents in all the W.Ps.

Prayer in W.P.(MD)No.9674 of 2019:- Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents from preventing the petitioner from using her land bearing R.S.No.307/3 of Perungudi Village, Madurai District.

Prayer in W.P.(MD)No.9675 of 2019:- Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents from preventing the petitioner from using his land bearing R.S.No.307/3 of Perungudi Village, Madurai District.

Prayer in W.P.(MD)No.9676 of 2019:- Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents from preventing the petitioner from using her land bearing R.S.No.307/3 of Perungudi Village, Madurai District.

Prayer in W.P.(MD)No.9677 of 2019:- Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents from preventing the petitioner from using his land bearing R.S.Nos.307/3, 309/5, 309/7 and 309/8 of Perungudi Village, Madurai District.

Prayer in W.P.(MD)No.9678 of 2019:- Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus,



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forbearing the respondents from preventing the petitioner from using her land bearing R.S.Nos.307/1B, 309/5, 309/7, 309/8 and 309/9 of Perungudi Village, Madurai District.

For Petitioners in all the W.Ps. : Mr.M.Saravanan

For Respondents in all the W.Ps.:Mr.S.P,Maharajan
Special Government Pleader

COMMON ORDER

By this common order, all these Writ Petitions are being disposed of.

2. In these Writ Petitions, the petitioners have prayed for a Mandamus, to forbear the respondents from preventing the petitioners from accessing their respective lands situated at Perungudi Village, Madurai District, as detailed below:-

Sl.No	W.P.(MD)No.	Name	R.S.Nos.	Extent in sq.ft.
1	9674 / 2019	K.V.Nandhini	307/3	20,373.5
2	9675 / 2019	A.R.Sivaprakash	307/3	7701
3	9676 / 2019	S.P.Ajeetha	307/3	12,277.5
4	9677 / 2019	K.S.Venkatraman	307/3, 309/5, 309/7 and 309/8	1,09,171.5
5	9678 / 2019	K.V.Jothimani	307/1B, 309/5, 309/7, 309/8 and 309/9	1,60,617



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3. The case of the petitioners is that the lands in various survey numbers including the above said survey numbers, where the petitioners' lands are situated were acquired by the District Collector, Madurai, the third respondent herein under the provisions of the Tamil Nadu Acquisition of Land for Industrial Purpose Act, 1997.

4. It is submitted that in the land acquisition proceedings that were initiated, the lands belonging to the respective petitioners were not specifically mentioned. However, lands surrounding the respective petitioners lands have been acquired. The admitted position is that the owners on whose lands have been acquired under the provisions of the Tamil Nadu Acquisition of Land for Industrial Purpose Act, 1997, have been given compensation under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

5. The admitted position is also that the petitioners' lands are now landlocked as they are located in between the lands acquired for expanding the Madurai Airport. These lands have been fenced. The petitioners are therefore unable to access their lands.



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6. The learned Special Government Pleader for the respondents has produced a copy of the instructions received from the Special Tahsildar (LA – Unit 2), Airport Expansion Scheme, Madurai, dated 31.07.2024, bearing reference Roc.No.44/2024/LA2, wherein it has been stated as follows:-

"The one Tmt.Nandhini and 4 others have filed a Writ Petition requesting to forebear this respondent not to use the land in SF No.307/3 of Perungudi village of Thirupparankundram Taluk.

The land in SF No.307/3 has been acquired for the purpose of expansion of Madurai Airport under the provisions of the Tamil Nadu Land Acquisition for the Industrial purposes Act 1997. The notification U/s 3(2) has been published to that effect dated: 20.05.2009 and published in newspapers Further, notification U/s 3(1) has also been published vide reference G.O.No.65/21.03.2013 and published in Government gazette No.81 dated: 25.03.2013

The compensation part was worked out under the provisions of the RFCTLAAR Act, 2013, with 100% solatium and 12% interest thereafter upto the period from 20.05.2009 to 12.10.2020 and the award has been passed by the LA/District Collector, Madurai, vide reference ROC No.15737/2009/B1, dated: 12.10.2020.

The Petitioner can submit the title documents and can claim the compensation under the above said act but reluctant to appear and claim compensation, further filed this Writ Petitions requesting the Hon'ble Court to forebear the respondent, to use the land said to be owned by this Petitioners. Hence, this



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petitioners may be directed to appear before the LAO/District Collector or Special Tahsildar, (Land Acquisition Unit-2,), Madurai and claim the compensation as per their title documents.

Since, the land has been acquired for the public purposes, as per the procedures of the Tamil Nadu Land Acquisition for the Industrial purposes Act 1997 intended for the expansion of Madurai Airport, the request of the petitioners shall disrupt the total scheme of Airport Expansion and hence, liable to be dismissed. The petitioners are at liberty to claim compensation based on their title and further can opt for LAOP U/s 8(1) of the above Act for enhanced Compensation.

Hence, I request your goodself to submit the above details before the Hon'ble Court with the prayer to dismiss the Writs which are against the law and hence void."

7. The learned Special Government Pleader for the respondents also submits that if the petitioners furnish the documents regarding their ownership of the lands, the petitioners will be given suitable compensation, as admittedly as as on date, the petitioners cannot have an access to their lands as the entire lands have been fenced for the Airport expansion.

8. On the other hand, the learned counsel for the petitioners would draw the attention to the order passed by the Special Tahsildar on



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19.05.2012 in respect of the petitioner in W.P.(MD)No.9674 of 2019 and the order dated 15.05.2012 in respect of the petitioners in W.P.(MD)Nos. 9675 to 9678 of 2019 recording the respective petitioners' names as owners of the respective lands acquired and that these petitioners were assured that compensation will be paid to them as per law. It is submitted that the lands of the petitioners should be acquired under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

9. Having considered the submissions made by the learned counsel for the petitioners and the learned Special Government Pleader for the respondents, I am of the view that the relief sought for by the petitioners in these Writ Petitions cannot be granted at this stage, as admittedly, the lands of these petitioners are landlocked with the other lands, which have been acquired by the authorities under the Tamil Nadu Acquisition of Land for Industrial Purpose Act, 1997. The petitioners are entitled to compensation under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 provided, they produce necessary documents before the respondents to establish their rights over the lands.



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10. Therefore, it is for the petitioners to either request the respondents to give compensation or in the alternative, it is for the Airport Authority to take steps to have the lands acquired and to pay compensation for the lands acquired under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. In case, the petitioners choose the former, they shall be paid suitable compensation.

11. Under these circumstances, these Writ Petitions stand disposed of with liberty to either of the parties to work out their remedy in the manner known to law. No costs.

Index : Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order
smn2

31.07.2024

To

1.The Principal Secretary to Government of Tamil Nadu,
Transport Department,
Fort St. George, Secretariat,
Chennai – 600 009.



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- 2.The Commissioner of Land Administration,
Ezhilagam, Chempauk,
Chennai – 600 005.
- 3.The District Collector,
Madurai District, Madurai.
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- 5.The Tahsildar,
Unit-2, Land Acquisition (Airport Expansion),
Madurai Collectorate,
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C.SARAVANAN, J.

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Common order
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