

W.P.No.11046 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2025

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.No.11046 of 2024
W.M.P.No.12133 of 2024

EVP Estates and Properties Development Ltd.,
Represented by its Chairman and Managing Director
Mr.E.V.Perumalswamy Reddy,
No.23, Sir Thiyagaraya Road,
T.Nagar, Chennai – 600 017.

...Petitioner

Vs

- 1.The District Collector,
Kancheepuram District,
Kancheepuram.
- 2.The Special District Revenue Officer (Land Acquisition),
Chennai Airport Expansion Scheme, Sriperumbudur,
1st Floor, Alandur Taluk Office Campus,
Chennai – 600 016.
- 3.The Special Tahsildar, (Land Acquisition),
Chennai Airport Expansion Scheme,
Sriperumbudur Taluk,
Kancheepuram District.
- 4.Airport Authority of India,
Represented by its Director,
Southern Region,
Chennai Airport, Meenambakkam,
Chennai – 600 027.

...Respondents

PRAYER :-Writ Petition filed under Article 226 of the Constitution of



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India, pleased to issue Writ of Certiorarified Mandamus, to call for the records pertaining to awards dated 18.03.2024 bearing Order No. 3/2024 and Serial Nos.1 and 2 issued by the 2nd respondent quash the same and to direct the respondents to pass fresh awards after determining the market value existed as on 01.01.2014 with interest and without deducting/ reducing development charges @ 33.33 % as per the provisions of the Central Act, 30 of 2013, for the lands comprised in Survey Nos. 320/3A1 and 320/3A2 measuring to an extent of 0.30.5 and 0.60.5 hectares which measures to a total extent of 0.91.0 hectares (or) 2.247 acres (or) 9100 sqmts situated at Kolapakkam Village, Kundrathur Taluk, Kancheepuram District and pay the awards amount to the petitioner after deducting the compensation amount if any paid based on interim awards to be passed by the respondents within a time to be stipulated by this Court.

For Petitioner : Mr.R.Murali
For Respondents : Mr.A.Selvendran
Special Government Pleader
(For R1 to R3)

ORDER

The Writ Petition has been filed for the following reliefs:-

To call for the records pertaining to award dated 18.03.2024 bearing Order No. 3/2024 and Serial Nos.1 and 2 issued by the 2nd respondent quash the same and to direct the respondents to pass fresh awards after determining the market value existed as on 01.01.2014 with interest and without deducting/ reducing development charges @ 33.33 %



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as per the provisions of the Central Act, 30 of 2013, for the lands comprised in Survey Nos. 320/3A1 and 320/3A2 measuring to an extent of 0.30.5 and 0.60.5 hectares which measures to a total extent of 0.91.0 hectares (or) 2.247 acres (or) 9100 sqmts situated at Kolapakkam Village, Kundrathur Taluk, Kancheepuram District and pay the awards amount to the petitioner after deducting the compensation amount if any paid based on interim awards to be passed by the respondents within a time to be stipulated by this Court.

2.The petitioner would contend that the subject land was owned by the petitioner. The said lands were acquired for the construction of a parallel run way in the existing Chennai Airport. The petitioner would submit that a report had been received from the International Civil Aviation Organization, the construction of the parallel run way was not to be taken up and 852.88 acres of land that was acquired was not required for the said purpose. The Government after considering the report and the recommendation had withdrawn an extent of 852.88 acres for acquisition vide G.O.Ms.No.14 Transport Department dated 30.01.2014.

3.Meanwhile the petitioner had challenged the acquisition proceedings in W.P.No.32344 of 2013 before this Court which was



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disposed of on 29.04.2016 directing the third respondent to issue a notice of hearing, giving a personal hearing to the petitioner and thereafter pass orders in accordance with law. The petitioner had also filed W.P.No.13149 of 2014 to denotify the lands which was disposed by order dated 29.04.2016 directing the first respondent to consider and pass orders within a period of four weeks.

4.The petitioner would submit that he had appeared before the first respondent and had requested to denotify the land. However, the request is rejected. This rejection was challenged by the petitioner in W.P.No.467 of 2017 and in addition the petitioner had filed W.P.Nos.28740 and 28741 of 2017 challenging the acquisition of certain other lands. The Writ Petitions were disposed of by an another order dated 23.01.2018 directing the respondents to pass an award within stipulated time under Section 25 of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013,(hereinafter called as Fair Compensation Act).

5.The respondents failed to comply with the directions in time. The second respondent had issued a notice dated 02.02.2024 calling upon the



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petitioner to appear for enquiry on 05.03.2024 with the documents. The

petitioner had appeared at the appointed time for enquiry along with the documents which were submitted and had requested a fair and adequate compensation. The petitioner had requested the second respondent to fix a compensation of Rs.20,00,000/- per cent as compensation and disburse the compensation without deducting development charges. However, contrary to the representation the second respondent had passed two awards dated 18.03.2024 fixing the compensation and taking development charges. Aggrieved by this deduction of development charges the petitioner is before this Court.

6.In a batch of Writ Petitions, this Court following the judgment of learned Single Judge in W.P.(MD)Nos.19772 & 14369 of 2021 had allowed the Writ Petitions and set aside the order taking 1/3rd towards development charges. This Court had directed the same to be paid to the petitioner as expeditiously as possible. The said order enures to the case on hand as well. Therefore, this Writ Petition is allowed and the impugned order deducting 33.33% towards development charges is set aside and the third respondent is directed to pay the amount deducted towards development charges. The learned counsel would submit that



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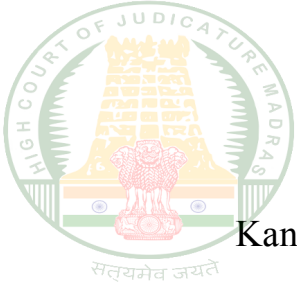
they are entitled to claim interest. The issue of interest shall be dealt with by the Court to which the matter shall be referred as per the provisions of the Act, since the petitioner is aggrieved by quantum of compensation award. The first respondent shall make reference under Section 64 of the Fair Compensation Act within a period of four weeks from the date of receipt of copy of this order. May this claim of interest shall be raised before the authority to whom the reference is made.

7. Accordingly, the Writ Petition is allowed with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non Speaking Order
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To
1. The District Collector,
Kancheepuram District,



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Kancheepuram.

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P.T.ASHA, J.

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