



WP.Nos.34264 of 2022 &
27891, 33447 & 33572 of
2024

WEB COPY

In the High Court of Judicature at Madras

Reserved on 12.3.2025	Delivered on : 18.3.2025
---------------------------------	------------------------------------

Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Writ Petition Nos.34264 of 2022 &
27891, 33447 & 33572 of 2024 &
WMP.Nos.33708, 30148, 30419,
36229, 36230, 36363, 36366 of 2024

R.Sivakumar

...Petitioner in
both WP.Nos.
34246 of 2022 &
27891 of 2024

1.C.Venkatesan
2.C.Srinivasan
3.C.Indirani

...Petitioners in
WP.No.33447 of
2024

P.Simson

...Petitioner in
WP.No.33572 of
2024

Vs

1.The District Collector,
Thiruvallur District,
Thiruvallur.

...R1 in all the
WPs

2.The Land Acquisition Officer,



WP.Nos.34264 of 2022 &
27891, 33447 & 33572 of
2024

WEB COPY

Special District Revenue Officer
(LA), Chennai Peripheral Ring
Road, Tamil Nadu Road
Development Scheme-II,
II Floor, SIDCO Garments
Complex - Block II,
Thiru Vi Ka Industrial Estate,
Guindy, Chennai-32.

...R2 in WP.No.
34264 of 2022 &
WP.Nos.27891 &
33447 of 2024

3.The Special Tahsildar (Land
Acquisition) - Unit I,
Chennai Peripheral Ring Road,
Tamil Nadu Road Development
Scheme-II, Ponneri,
Thiruvallur District.

...R3 in WP.No.
34264 of 2022 &
WP.Nos.27891 &
33447 of 2024

4.Tamil Nadu Road Development
Company Ltd., No.171, South
Kesavaperumal Puram, TNMB
Building, Raja Annamalaipuram,
Chennai-28.

(suo motu impleaded as R4 as
per order dated 19.2.2025 in both
WP.Nos.34264 of 2022 & 33572
of 2024 by NAVJ)

(suo motu impleaded as R6 as
per order dated 19.2.2025 in both
WP.Nos.27891 & 33447 of 2024
by NAVJ)

...R4 in WP.Nos.
34264 of 2022 &
33572 of 2024 &



WEB COPY



WP.Nos.34264 of 2022 &
27891, 33447 & 33572 of
2024

R6 in WP.Nos.
27891 & 33447
of 2024

5.The Tahsildar, Ponneri Taluk,
Ponneri-601204.

...R4 in WP.Nos.
27891 & 33572
of 2024

6.The Assistant Electrical Engineer,
Panjetti, Ponneri Taluk,
Thiruvallur District-601204.

...R5 in WP.Nos.
27891 & 33572
of 2024

7.The Land Acquisition Officer,
Special District Revenue Officer
& Management (Land Acquisition)
Chennai Peripheral Ring Road,
Guindy, Chennai-32.

...R2 in WP.No.
33572 of 2024

8.The Special Tahsildar (Land
Acquisition) - Unit I,
Chennai Peripheral Ring Road,
No.351, Rajaji Salai,
Thiruvekatapuram, Ponneri,
Thiruvallur-601204.

...R3 in WP.No.
33572 of 2024

PETITIONS under Article 226 of The Constitution of India praying
for the issuance of



*WP.Nos.34264 of 2022 &
27891, 33447 & 33572 of
2024*

WEB COPY

(i) a Writ of Mandamus directing the respondents to provide house site to the petitioner herein in terms of the provisions of the Central Act 30 of 2013 as well as to refer the matter under Section 64 of the Central Act 30 of 2013 to the Authority to determine the enhancement of compensation and the rights of rehabilitation and resettlement under Chapters V and VI within a time frame fixed by this Court (WP.No.36264 of 2022);

(ii) a Writ of Certiorari to call for the entire records of the 4th and 5th respondents in Na.Ka.No.1527/2023/Aa-1 dated 04.9.2024 & Ka.No.Oo.Mi.Po/E&Ka/Panjetti/Co./A.No.55/24-25 dated 25.7.2024 respectively and quash the same as illegal and unsustainable (WP.No.27891 of 2024);

(iii) a Writ of Mandamus directing the respondents herein to provide house site to the petitioners herein in terms of the provisions of the Central Act 30 of 2013 within the time frame fixed by this Court (WP.No.33447 of 2024); and

(iv) a Writ of Mandamus directing the respondents to provide house site to the petitioner herein in terms of the provisions of the Central Act 30 of 2013 as well as to refer the matter under Section 64



WP.Nos.34264 of 2022 &
27891, 33447 & 33572 of
2024

WEB COPY

of the Central Act 30 of 2013 to the Authority to determine the enhancement of compensation and the rights of rehabilitation and resettlement under Chapters V and VI within the time frame fixed by this Court (WP.No.33572 of 2024).

For Petitioners in all the WPs	:	Mr.N.Nithianandam
For State	:	Mr.P.Sathish, AGP
For CEDC	:	Mr.L.Jaivenkatesh, Standing Counsel
For TNRDC	:	Mr.M.Sivavarthanam, Standing Counsel

COMMON ORDER

Since the issue involved in all these writ petitions is common, the writ petitions are taken up together, heard and disposed of by this common order.

2. W.P.No.27891 of 2024 has been filed challenging the proceedings of respondents 4 and 5 respectively dated 04.9.2024 & 25.7.2024 as illegal and unsustainable.



*WP.Nos.34264 of 2022 &
27891, 33447 & 33572 of
2024*

WEB COPY

3. W.P.Nos.34264 of 2022 & 33447 and 33572 of 2024 have been filed seeking for a direction to the respondents to provide house sites to the petitioners in terms of the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (for short, the New Act) and to determine the rights of the petitioners for payment of compensation under the head of rehabilitation and resettlement as provided under the New Act.

4. The common thread that runs across all these writ petitions is as to whether the petitioners are entitled for being considered for any compensation under the head of rehabilitation and resettlement as per Chapter V - Section 31 of the New Act.

5. Heard the learned counsel appearing for the respective parties.

6. The Government of Tamil Nadu (GoTN) decided to implement the Northern Port Access Road Project as an integrated project to improve the connectivity to Ennore Port. For this purpose, the GoTN



*WP.Nos.34264 of 2022 &
27891, 33447 & 33572 of
2024*

WEB COPY

appointed the Tamil Nadu Road Development Company Limited (TNRDC) as the Managing Associate vide G.O.Ms.No.94 dated 23.4.2012. A detailed project report was submitted and an administrative sanction was accorded by the GoTN for acquisition of lands for the project. The lands required for the project were sought to be acquired under the provisions of the Tamil Nadu Highways Act, 2001 (for brevity, the 2001 Act).

7. The Land Acquisition Officer namely the Special District Revenue Officer (LA) carried out the acquisition process for the said project and the lands belonging to the petitioners were acquired under the 2001 Act. The Notification under Section 15(1) of the 2001 Act was published in the GoTN Gazette on 16.4.2021 in respect of the lands covered in the first two writ petitions namely W.P.Nos.34264 of 2022 and 27891 of 2024 and the compensation was determined at Rs.3,14,93,782/- and it was paid to the lone petitioner namely Mr.R. Sivakumar on 02.2.2022. Another sum of Rs.3,19,560/- was disbursed to him on 23.2.2023. Thereafter, a reference was made to the Principal District Court, Tiruvallur by the Land Acquisition Officer



*WP.Nos.34264 of 2022 &
27891, 33447 & 33572 of
2024*

WEB COPY

seeking enhancement of compensation, which is still pending.

8. In so far as the lands covered in W.P.No.33447 of 2024 are concerned, the Notification under Section 15(1) of the 2001 Act was published in the GoTN Gazette on 16.4.2021. The compensation amount was fixed and paid on 12.5.2022 and 21.5.2022 respectively. The compensation amount fixed towards rehabilitation and resettlement was also disbursed on 22.3.2023. References were also made for enhancement of compensation and they are still pending in L.A.O.P.Nos.384 and 385 of 2022 before the same Court.

9. The grievance expressed by the petitioners is that they were entitled to be considered for compensation under the head of rehabilitation and resettlement whereas without considering the said right that is available, unilaterally the compensation amount has been fixed by the respondents and added to the total compensation. This is the crux of the grievance that has been portrayed by the petitioners in all these writ petitions.



*WP.Nos.34264 of 2022 &
27891, 33447 & 33572 of
2024*

WEB COPY

10. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record.

11. The New Act provided for a separate Chapter namely Chapter V, which mandated the Collector to pass awards for rehabilitation and resettlement of each affected family in terms of the entitlements provided under the Second Schedule. The said provision also indicated as to what are all the categories that would fall under the rehabilitation and resettlement award.

12. Section 23 of the New Act provides for inquiry and land acquisition award by the Collector. In this provision, the Collector is expected to consider the respective interest of the persons claiming compensation payable under the First Schedule and also the amount under the head of rehabilitation and resettlement.

13. In the case in hand, the petitioners are attempting to pitch in their case under Section 31(2)(c) and (d) of the New Act.



WP.Nos.34264 of 2022 &
27891, 33447 & 33572 of
2024

WEB COPY

14. In order to consider the claim made by the petitioners, this Court has to take note of the definition of the expressions "**affected family**" and "**displaced family**" as defined respectively under Sub-Sections (c) and (k) of Section 3 of the New Act. It is also relevant to take note of the expression '**resettlement area**' as defined under Sub-Section (zc) of Section 3 of the New Act. For proper appreciation, these expressions are extracted as hereunder :

"3.

(c) '**affected family**' includes--

(i) a family whose land or other immovable property has been acquired;

(ii) a family which does not own any land but a member or members of such family may be agricultural labourers, tenants including any form of tenancy or holding of usufruct right, share-croppers or artisans or who may be working in the affected area for three years prior to the acquisition of the land, whose primary source of livelihood stand affected by the acquisition of land;

(iii) the Scheduled Tribes and other traditional forest dwellers who have lost any of their forest rights recognised under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of



WEB COPY



WP.Nos.34264 of 2022 &
27891, 33447 & 33572 of
2024

2007) due to acquisition of land;

(iv) family whose primary source of livelihood for three years prior to the acquisition of the land is dependent on forests or water bodies and includes gatherers of forest produce, hunters, fisher folk and boatmen and such livelihood is affected due to acquisition of land;

(v) a member of the family who has been assigned land by the State Government or the Central Government under any of its schemes and such land is under acquisition;

(vi) a family residing on any land in the urban areas for preceding three years or more prior to the acquisition of the land or whose primary source of livelihood for three years prior to the acquisition of the land is affected by the acquisition of such land;

.....

(k) '**displaced family**' means any family, who on account of acquisition of land has to be relocated and resettled from the affected area to the resettlement area;

.....

(zc) '**Resettlement Area**' means an area where the affected families who have been displaced as a result of land acquisition are resettled by the appropriate Government."



*WP.Nos.34264 of 2022 &
27891, 33447 & 33572 of
2024*

WEB COPY

15. The Second Schedule appended to the New Act also becomes relevant since it provides for the elements of rehabilitation and resettlement entitlements for the affected families in addition to the compensation payable to them as per the First Schedule.

16. There is a marked difference between an affected family and a displaced family. An affected family does not come within the purview of Section 31 of the New Act and it is only the displaced family, whose rights are independently considered for compensation under the head of rehabilitation and resettlement.

17. In so far as the lone petitioner in W.P.Nos.34264 of 2022 and 27891 of 2024 namely Mr.R.Sivakumar is concerned, the third respondent has taken a stand that he had constructed a building, which was utilized for residential and commercial purposes. This petitioner has another house and shop at S.No.188/1B2 in the same village. Likewise, the petitioners in W.P.No.33447 of 2024 were using the property for commercial purpose and not for residential purpose. In view of the same, a specific stand has been taken in the counter



*WP.Nos.34264 of 2022 &
27891, 33447 & 33572 of
2024*

WEB COPY

affidavit that they are not entitled for any compensation under the head of rehabilitation and resettlement. However, a separate compensation was fixed under this head and it was paid to those petitioners.

18. It must be kept in mind that the provisions for determination of compensation as specified in the First Schedule and for determination of compensation under the head of rehabilitation and resettlement as provided under the Second Schedule will apply even for the land acquisition proceedings under the 2001 Act pursuant to the Ordinance that was issued under the Act 38 of 2019, through which, the 2001 Act was revived.

19. On the materials placed before this Court, it is seen that guidelines were issued to the Highways Department for deciding on the entitlement for payment of compensation under the head of rehabilitation and resettlement. It provides for either giving an alternative site or house towards rehabilitation and resettlement or if the land owner accepts, to pay monetary compensation towards it.



*WP.Nos.34264 of 2022 &
27891, 33447 & 33572 of
2024*

WEB COPY

20. The Project Director, through proceedings dated 30.8.2022, decided the entitlements for those properties, which were acquired. In accordance with the Circular and the proceedings issued by the Project Director, the lone petitioner in W.P.No.34264 of 2022 and 27891 of 2024 namely Mr.R.Sivakumar was paid a total sum of Rs.3,19,560/- towards rehabilitation and resettlement compensation. Similarly, petitioners 1 and 2 in W.P.No.33447 of 2024 namely Mr.C.Venkatesan and Mr.C.Srinivasan were paid a sum of Rs.1,00,485/- each towards rehabilitation and resettlement compensation.

21. While deciding the compensation payable to Mr.R.Sivakumar, it was found that the property was put to commercial use and hence, individual compensation was fixed even for those employees, who were working under him and they were paid the subsistence allowance equivalent to the minimum wages. Likewise, the employees, who are working under the said Mr.C.Venkatesan and the said Mr.C.Srinivasan, who were utilizing the property both for residential and commercial purposes, were also individually paid the subsistence allowance equivalent to the minimum wages. This is apart from the



*WP.Nos.34264 of 2022 &
27891, 33447 & 33572 of
2024*

WEB COPY

compensation paid to them towards rehabilitation and resettlement component.

22. In so far as the third petitioner in WP.No.33447 of 2024 namely Mrs.Indirani is concerned, it was found that she was not entitled to any compensation under this head since she is none other than the mother of the said Mr.C.Venkatesan and the said Mr.C. Srinivasan.

23. This Court has also taken into consideration the fact that already the matter has been sent to the Reference Court and they are pending in L.A.O.P.Nos.384 and 385 of 2022 and 15 of 2023 on the file of the Principal District Court, Thiruvallur seeking for enhancement of compensation. The compensation amount that was paid towards the head of rehabilitation and resettlement is in addition to the compensation that was paid to the petitioners under the First Schedule.

24. In so far as the petitioner in W.P.No.33572 of 2024 is



*WP.Nos.34264 of 2022 &
27891, 33447 & 33572 of
2024*

WEB COPY

concerned, no compensation was fixed under the head of rehabilitation and resettlement component. But, what was fixed was only the compensation under the First Schedule and aggrieved by that, the matter is pending before the Reference Court in L.A.O.P.No.842 of 2022 on the file of the Principal District Court, Thiruvallur. For this petitioner, a sum of Rs.36,45,920/- was awarded and paid on 05.6.2024. What was acquired was a land and house to an extent of 179 sq.meters and if at all this petitioner is not entitled for any compensation under the head of rehabilitation and resettlement, at least the award amount should have been fixed by the Collector as was done for the other petitioners in line with the circular that was issued in this regard.

25. The concept of rehabilitation and resettlement will arise only when a family gets displaced on account of the acquisition of lands and has to be relocated and resettled from the affected area to the resettlement area. It is not as if in each and every case Section 31 of the New Act has to be invoked unless it falls within the criteria prescribed under Section 31(2) of the New Act. At best, the petitioners



*WP.Nos.34264 of 2022 &
27891, 33447 & 33572 of
2024*

WEB COPY

are only affected persons and not displaced persons, who alone will be entitled for rehabilitation and resettlement. Therefore, the respondents have rightly fixed the amount to be paid under this head and added it to the total compensation, which was also received by the petitioners.

26. The matters are now pending before the Reference Court for enhancement of compensation and if at all the petitioners are not satisfied, they can seek only for enhancement of compensation. The petitioners are certainly not entitled to any alternative house site or house since they have not been displaced on account of acquisition of lands. It is more so since one of the properties was used for commercial purposes and the other properties were used for both residential and commercial purposes. In respect of the petitioners in W.P.Nos.34264 of 2022 and 27891 and 33447 of 2024, all these aspects were taken into consideration by the respondents and they rightly awarded monetary compensation under the head of rehabilitation and resettlement and it does not require any interference of this Court.



*WP.Nos.34264 of 2022 &
27891, 33447 & 33572 of
2024*

WEB COPY

27. In so far as the petitioner in W.P.No.33572 of 2024 is concerned, he has not been paid any compensation under the head of rehabilitation and resettlement as per the circular.

28. In the result, W.P.Nos.34264 of 2022 & 27891 and 33447 of 2024 are dismissed. Consequently, the connected WMPs are also dismissed. No costs.

29. W.P.No.33572 of 2024 is disposed of by directing the first respondent namely the District Collector, Tiruvallur to fix the compensation amount under the head of rehabilitation and resettlement as per the circular and pass a separate award after affording an opportunity to this petitioner within a period of eight weeks from the date of receipt of a copy of this order. If, ultimately, the petitioner is not satisfied with the compensation amount to be determined under the head of rehabilitation and resettlement, it is left open to him to make a reference separately and it shall be dealt along with L.A.O.P.No.842 of 2022, which is already pending. In so far as



WP.Nos.34264 of 2022 &
27891, 33447 & 33572 of
2024

WEB COPY

this petitioner is concerned, the possession can be taken after the compensation amount is fixed under the head of rehabilitation and resettlement as per the circular and paid within the time frame as fixed by this Court. Consequently, the connected WMPs are closed. No costs.

18.3.2025

To

- 1.The District Collector, Thiruvallur
District, Thiruvallur.
- 2.The Land Acquisition Officer,
Special District Revenue Officer
(LA), Chennai Peripheral Ring
Road, Tamil Nadu Road
Development Scheme-II,
II Floor, SIDCO Garments
Complex - Block II,
Thiru Vi Ka Industrial Estate,
Guindy, Chennai-32.
- 3.The Special Tahsildar (Land
Acquisition) - Unit I,
Chennai Peripheral Ring Road,
Tamil Nadu Road Development
Scheme-II, Ponneri,
Thiruvallur District.
- 4.Tamil Nadu Road Development
Company Ltd., No.171, South

19/21



WP.Nos.34264 of 2022 &
27891, 33447 & 33572 of
2024

WEB COPY

Kesavaperumal Puram, TNMB
Building, Raja Annamalaipuram,
Chennai-28.

5.The Tahsildar, Ponneri Taluk,
Ponneri-601204.

6.The Assistant Electrical Engineer,
Panjetti, Ponneri Taluk,
Thiruvallur District-601204.

7.The Land Acquisition Officer,
Special District Revenue Officer
& Management (Land Acquisition)
Chennai Peripheral Ring Road,
Guindy, Chennai-32.

8.The Special Tahsildar (Land
Acquisition) - Unit I,
Chennai Peripheral Ring Road,
No.351, Rajaji Salai,
Thiruvekatapuram, Ponneri,
Thiruvallur-601204.

RS



WEB COPY



*WP.Nos.34264 of 2022 &
27891, 33447 & 33572 of
2024*

N.ANAND VENKATESH,J

RS

WP.Nos.34264 of 2022 &
27891, 33447 & 33572 of
2024 &
all connected pending WMPs

18.3.2025