IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-11-2025

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THE HONOURABLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 38124 of 2025

N.Nagavenkatesa Prasad

Petitioner(s)

Vs

1. The Additional Chief Secretary-
Cum Commissiner Of Land Administration,
Ezhilagam, Chepauk, Chennai - 600 005.

2.The District Collector - cum -
Land Acquisition Officer,
Chinna Salem, Kallakurchi, New Broad Gauge,
Railway, Line Project, Kallakuruchi District.

3.The District Revenue Officer,
Kallakurichi District.

4.The Special Tahsildar (Land Acquisition),
Chinna Salem, Kallakruchi,
New Broad Gauge Railway Line Project,
Kallakuruchi District.

Respondent(s)

PRAYER: Petition filed under Article 226 of the Constitution of India, seeking issuance of Writ of Certiorarified Mandamus, calling for entire records relating to award dated 20.06.2024 passed by the 2nd respondsent in Na Ka No.

A1/2674/2019 in Award No.11 so far as the deducation of 1/3rd amount of market value towards the development charges in respect of the petitioners lands situated at Kallakuruchi village, Kallakuruchi taluk and district comprised in Survey No. 157/6B and to quash the same and consequently directing the respondents to pay 1/3rd amount so deducted towards the development charges along with interest from 20.06.2024 till the date of payment to the petitioner herein as per the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Re-habitation and Resettlement Act 2013 pursuant to the petitioners representation dated 13.12.2024 within a time frame.

For Petitioner(s): Mr.M.Ramalingam

For Respondent(s): Mr.M.R.Gokul Krishnan
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the impugned award passed by the second respondent dated 20.06.2024 insofar as the deduction of $1/3^{rd}$ amount of the market value towards developmental charges.

2. Heard Mr.M.Ramalingam, learned counsel for the petitioner and Mr.M.R.Gokul Krishnan, learned Additional Government Pleader for the respondents.

3. The property belonging to the petitioner was acquired under the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997. An award was passed on 20.06.2024 determining the amount of compensation. The grievance of the petitioner is that 1/3rd amount out of the total market value was deducted towards development charges at the time of disbursement of the compensation amount.

4. The learned counsel for the petitioner would submit that the purpose, for which, the land was acquired has come to an end therefore, he is entitled for compensation. He has also referred the order of this Court in W.P.No.4461 of 2025 dated 17.02.2025 wherein, this Court, while dealt with the similar issue, directed payment of the amount deducted towards developmental charges to the petitioner.

5. The learned Additional Government Pleader for the respondents though initially asked time for filing counter, he would submit that the above issue is

squarely covered by the earlier order passed by this Court in W.P.No.35735 etc., of 2024 dated 25.11.2024 and it pertains to the same project wherein, this Court come to a conclusion after referring several judgments. The relevant portions are extracted hereunder:-

"4. The above issue is squarely covered by the earlier order passed by this Court in WP No.35735 etc., of 2024 dated 25.11.2024 and it pertains to the same project. The relevant portions are extracted hereunder :-

"4. The deduction of 1/3rd towards development charges that too in the case of Railway work has been the subject matter of several decisions of this Court. A learned Single Judge of this Court in his order dated 07.12.2023, in W.P.(MD) Nos.19772 & 14369 of 2021 was considering the very same deduction towards development charges.

5. The learned Single Judge relied upon a judgment of the Hon?ble Supreme Court reported in 2007 (9) SCC 447 - Nelson Fernandes and Others Vs. Special Land Acquisition Officer, South Goa and Others wherein the Hon'ble Supreme Court had observed as follows:-

30. We are not, however, oblivious of the fact that normally 1/3 deduction of further amount of compensation has been directed in some cases. However, the purpose for which the land acquired must also be taken into consideration. In the instant case, the land was acquired for the construction of new BG line for the Konkan Railways. This Court in Hasanali Khanbhai & Sons & Ors. Vs. State of Gujarat, 1995 2 SCC 422 and L.A.O. vs. Nookala Rajamallu, 2003 (10) Scale 307 had noticed that where lands are acquired for specific purposes deduction by way of development charges is permissible. In the instant case, acquisition is for laying

a railway line. Therefore, the question of development thereof would not arise. Therefore,
the order passed by the High Court is liable to be set aside and in view of the availability of basic civic amenities such as school, bank, police station, water supply, electricity, high way, transport, post, petrol pump, industry, telecommunication and other businesses, the claim of compensation should reasonably be fixed @ Rs.250/ per sq. mtr. with the deduction of 20%. The appellant shall be entitled to all other statutory benefits such as solatium, interest etc. etc. The appellants also will be entitled to compensation for the trees standing on the said land in a sum of Rs. 59,192 as fixed. I.A. No. 1 of 2006 for substitution is ordered as prayed for.

6. This Judgment has been followed in a later judgment of the Hon'ble Supreme Court in the case of C.R.Nagaraja Shetty Vs. Special Land Acquisition Officer and Estate Officer and another in Civil Appeal No.1173 of 2009 dated 24.02.2009.

7. Ultimately, the learned Single Judge had observed as follows:

It is clear from the above judgment that where the lands are acquired for laying a railway line, there is no scope for deducting 1/3rd amount towards development charges.

8. In the light of the above, the Writ Petitions are allowed, the order deducting 1/3rd towards development charges is set aside and the amounts deducted towards 1/3rd development charges along with all the other compensatory benefits arrived at in the award shall be paid to the petitioners as expeditiously as possible. However, not later than a period of 4 months from the date of receipt of a copy of this Order. The learned counsel for the petitioners also informed the Court that they are moving necessary applications for enhancing the award. No costs. Consequently, the *connected Miscellaneous Petitions are closed."*

6. In view of the above, this issue is no longer res-integra and hence, the petitioner is entitled for the development charges, which was deducted at the time of disbursement of compensation. Hence, the impugned award passed by the 2nd respondent dated 20.06.2024 is interfered insofar as the deduction of 1/3rd amount of market value towards the developmental charges and the respondent concerned is directed to pay the amount that has been deducted towards development charges along with all the other compensatory benefits arrived at in the award to the petitioner within a period of four months from the date of receipt of a copy of this order.

7. This Writ Petition is disposed of with the above directions. No costs.

03-11-2025

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Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No

To

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KRISHNAN RAMASAMY J.

KKN

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