

ITEM NO.301

Court 3 (Video Conferencing)

SECTION XII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 2063-2066/2020

(Arising out of impugned final judgment and order dated 03-07-2019 in WP No. 26234/2013 03-07-2019 in WP No. 26028/2013 03-07-2019 in WP No. 10282/2015 03-07-2019 in WP No. 10283/2015 passed by the High Court Of Judicature At Madras)

C.S. GOPALAKRISHNAN

Petitioner(s)

VERSUS

THE STATE OF TAMIL NADU & ORS.

Respondent(s)

([AT 2.00 P.M.]

IA No. 91943/2021 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 3289/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 77573/2021 - INTERVENTION/IMPLEADMENT)

WITH

SLP(C) No. 4106/2020 (XII)

IA No. 17602/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 17604/2020 - EXEMPTION FROM FILING O.T.

IA No. 17603/2020 - PERMISSION TO FILE LENGTHY LIST OF DATES)

Diary No(s). 15466/2021 (XII)

IA No. 79920/2021 - CONDONATION OF DELAY IN FILING

IA No. 79921/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 79919/2021 - PERMISSION TO FILE PETITION (SLP/TP/WP/..))

SLP(C) No. 2811/2021 (XII)

IA No. 22109/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No. 2818/2021 (XII)

IA No. 22266/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 26302/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

SLP(C) No. 2825/2021 (XII)

IA No. 22366/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 09-09-2021 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE DINESH MAHESHWARI

For Petitioner(s)

Mr. Sandeep Kumar Mahapatra, Adv.
Mr. Sugam Kumar Jha, Adv.
Mr. Prachi Hasija, Adv.
Mr. Apratim Animesh Thakur, Adv.
Mr. Sourabh Mishra, Adv.
Ms. Mrinmayee Sahu, AOR

Mr. Sudhrith Parthasarathy, Adv.
Mr. Shankar Narayanan, Adv.
Ms. Rashmi Nandakumar, AOR

Mr. N. Subramaniam, Adv.
Mr. Pranav Sachdeva, AOR
Ms. Rashmi Nandakumar, Adv.

Mr.V.Raghavachari , Advocate
Ms.K.Abhirame, Advocate
Ms.Nisha,Advocate
Mr.Sunny Sheen Akkara ,Advocate
Mr. G. Balaji, AOR

For Respondent(s)

Mr. K.K. Venugopal, Id. A.G.
Mr. V.Krishnamurthy, Sr. Adv (AAG)
Mr. Amit Anand Tiwari, Addl. Adv. Gen.,
Dr. Joseph Aristotle S., AoR.
Ms. Preeti Singh, Adv.
Ms. Ripul Swati Kumari, Adv.

Dr. Joseph Aristotle S., AOR

Mr. D.Kumanan, AOR
Mr. Sheikh Fakhruddin Kalia, Adv.

Mr. M. Yogesh Kanna, AOR
Mr. Pranav Sachdeva, AOR

UPON hearing the counsel the Court made the following
O R D E R

SLP(C) No. 4106/2020

This special leave petition has been filed against
the common judgment and order dated 03.07.2019 passed by

the High Court of Judicature at Madras, including in Writ Petition No. 7975 of 2019. The relief claimed in the stated writ petition was limited to declaration of Section 105A of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, "2013 Act"), a Tamil Nadu State amendment to the Act 30 of 2013 as unconstitutional and *void ab initio*.

It is indisputable that after the judgment of the High Court, the State brought in amendment vide The Tamil Nadu Land Acquisition Laws (Revival of Operation, Amendment and Validation) Act, 2019, which makes the challenge to Section 105A of the 2013 Act redundant.

As the petitioners did not seek any further relief in the writ petition and the grievance before this Court is essentially about the determination of compensation amount payable to the petitioners, that need not be examined in this petition as the respondent-State on affidavit has stated that the compensation amount has been offered as per the provisions of 2013 Act in terms of the amended provisions and as directed by the High Court in the impugned judgment.

In other words, if the grievance is about the quantum

of compensation, the petitioners are free to pursue appropriate remedy which will be decided on its own merits and in accordance with law.

We reiterate the stand of the respondent-State that the petitioners will be offered compensation in respect of acquired land as per the provisions of 2013 Act.

Accordingly, this petition is disposed of with liberty to the petitioners to pursue such other remedies, as may be permissible in law on the question of compensation, if so advised.

Learned Attorney General for India has informed us that the amount towards compensation in respect of land belonging to the petitioners has been determined as per the provisions of 2013 Act and deposited in the Court of First Additional Subordinate Court in LAOP No. 15 of 2019.

If the petitioners so desire, are free to withdraw the amount without prejudice even if they want to pursue the other remedies, as may be permissible in law.

This special leave petition is disposed of accordingly.

Pending applications, if any, stand disposed of.

SLP(C) Nos. 2811, 2818 and 2825 of 2021

The challenge in the writ petitions filed by the concerned petitioner(s) before the High Court was to the acquisition process initiated by the competent authority for public purpose to construct Outer Ring Road through Pudur Puduplayam Village in Erode "C" Village, Erode. That project has already been completed and fully executed. This is not disputed before us.

In which case, we agree with the conclusion recorded by the High Court that it is not appropriate to examine the challenge to the acquisition as such.

Needless to observe that even if the challenge to acquisition at the instance of the petitioner(s) cannot be taken forward, the petitioner(s) are entitled for compensation amount as per the provisions applicable for determination of compensation in terms of Right to Fair Compensation and Transparency in land Acquisition, Rehabilitation and Resettlement Act, 2013. The respondent-State assures to do so.

It appears that the determination has already been done on that basis and the compensation amount has been offered to the concerned petitioner(s), which the petitioner(s) are free to avail of.

If the petitioner(s) are not satisfied with the determination of compensation amount as per the provisions of 2013 Act, they are free to take recourse to other appropriate remedies, as may be permissible in law.

We leave all contentions raised regarding the interpretation of relevant provisions by the petitioner(s) open, to be considered at appropriate stage in the companion cases.

Accordingly, these special leave petitions stand disposed of with liberty to the petitioners, as aforesaid.

SLP(C) No(s). 2063-2066 of 2020 and Diary No. 15466 of 2021

Permission to file special leave petition(s) is granted.

Delay condoned.

Application for impleadment is allowed.

Leave granted.

Heard learned counsel for the parties.

Arguments concluded.

Judgment reserved.

One week's time is granted to the petitioner(s) to file written submissions, and thereafter, two weeks' time

is granted to the learned Attorney General for India for the respondent-State to file written submissions.

(DEEPAK SINGH)
COURT MASTER (SH)

(VIDYA NEGI)
COURT MASTER (NSH)