



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.08.2015

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P. (MD) .No.13914 of 2015

S.Andrews Suthakar

:Petitioner

vs.

1.The District Collector,
Thoothukudi District.

2.The District Revenue Officer,
District Collector Office,
Thoothukudi.

3.The Special Tahsildar
(Land Acquisition)
Udankudi Thermal Power Project,
Tirchendur, Thoothukudi District.

: Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Mandamus, directing the 1st and 2nd respondents to refer the issue of determination of Higher Compensation, as per Section 8 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997, in respect of the acquisition of the properties in Ayanpunjai Survey No.468A/3 measuring about 84 cents and Survey No.469/1 measuring about 3.14 acres and Survey No.470/1 measuring about 18 cents. Survey No.471/9 measuring about 54 cents. Survey No.472A/1 measuring about 3.20 acres totally measuring about 8.12 Acres situated in Udankudi Village, Thoothukudi District within a stipulated period of time.

For Petitioner

:Mr.G.Prabhu Rajadurai

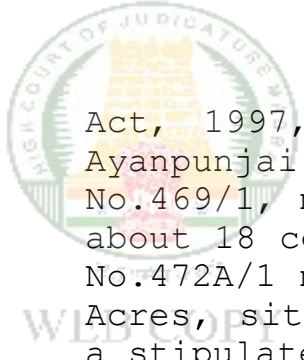
For Respondents

:Mr.S.Kumar

Addl.Govt.Pleader

O R D E R

The Writ Petition has been filed praying for issuance of a Writ of Mandamus, directing the 1st and 2nd respondents, to refer the issue of determination of Higher Compensation, as per Section 8 of the Tamil Nadu Acquisition of Land for Industrial Purposes



Act, 1997, in respect of the acquisition of the properties in Ayanpunjai Survey No.468A/3, measuring about 84 cents and Survey No.469/1, measuring about 3.14 Acres and Survey No.470/1 measuring about 18 cents. Survey No.471/9 measuring about 54 cents. Survey No.472A/1 measuring about 3.20 acres, totally measuring about 8.12 Acres, situated in Udankudi Village, Thoothukudi District, within a stipulated period of time.

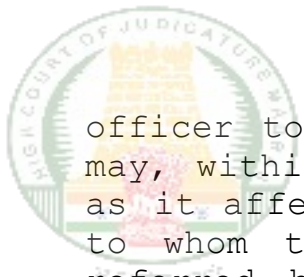
2. The properties in Ayanpunjai Survey No.468A/3 measuring about 84 cents and Survey No.459/1 measuring about 3.14 acres and Survey No.470/1 measuring about 18 cents, Survey No.471/9 measuring about 54 cents, Survey No.472A/1 measuring about 3.20 acres, totally measuring about 8.12 Acres situated in Udankudi Village, Thoothukudi District, jointly belonged to the petitioner, his father, his mother and his brother's son. The respondents through a Notification have acquired the above said properties, for the Udankudi Thermal Power Plant.

3. Pursuant to the acquisition, the respondents called the petitioner for enquiry, for determination of compensation amount to be payable for the above said land. Thereafter, the 2nd respondent by his proceedings dated 05.02.2013, fixed the compensation to be payable to the petitioner, for acquisition of the above said properties. Since the amount determined by the 2nd respondent is very meager, the petitioner raised his objection in proper format.

4. The learned counsel for the petitioner submitted that, as per Section 8 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997, the 2nd respondent, who is the competent authority, has to refer the matter to the competent Court. After receipt of leal notice from the petitioner, the 1st respondent through a communication dated 30.07.2015 informed him that he has directed the 3rd respondent to enquire into the same and file a report to him. It is his further submission that after issuing objection, the 1st respondent ought to have referred the matter to the competent civil Court with regard to enhancement of compensation. But instead of doing so, the first respondent, directed the 3rd respondent to enquire into the same, who is not the authority to decide the enhancement of compensation. He further submitted that a direction may be given to the respondents 1 and 2, to refer the matter to the competent civil Court, as per Section 8 of the said Act.

5. I have heard the submission of the learned counsel for the petitioner and as well learned Additional Government Pleader for the respondents.

<https://hcservices.courts.gov.in/hcservices> 6. I have considered opinion, as per Section 8 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997, if any person aggrieved by the decision of the Collector or the



officer to whom the case was transferred, determining the amount may, within sixty days from the date of such decision, in so far as it affects him by application to the Collector or the officer to whom the case was transferred, require that the matter be referred by him, for the determination of the Court. In the instant case, inspite of the request made by the petitioner, the first respondent has directed the 3rd respondent to enquire into the same. Admittedly, the 3rd respondent is not a authority, to enhance the compensation. Hence, appropriate directions may be given to the 1st respondent to refer the matter to the competent civil Court, when the petitioner has already raised his objection, in respect of the amount awarded by the first respondent.

7. In that view of the matter, the writ petition is allowed. The petitioner is directed to make a fresh request to the 1st respondent, to refer the matter to the competent civil Court, along with a copy of this order, within a period of one week from the date of receipt of a copy of this order and on receipt of the same, the 1st respondent is directed to consider the same and pass appropriate orders in respect of referring the matter to the competent civil Court, for enhancement of compensation, within a period of four weeks, thereafter. No costs.

Sd/-

Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

MPK

To

1.The District Collector, Thoothukudi District.

2.The District Revenue Officer,
District Collector Office, Thoothukudi.

3.The Special Tahsildar
(Land Acquisition)
Udankudi Thermal Power Project,
Tirchendur, Thoothukudi District.

+1cc to Mr.G.Prabhu Rajadurai, Advocate SR NO.45340

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rg.11.08.2015

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