

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2016

CORAM

THE HONOURABLE MR. JUSTICE T.S. SIVAGNANAM

W.P.NOS.16852 TO 16854 AND 16885 OF 2016

K.Jayaraman .. Petitioner in
W.P.No.16852/2016

K.Ellappan .. Petitioner in
W.P.No.16853/2016

K.Janakiraman .. Petitioner in
W.P.No.16854/2016

K.Sulochana .. Petitioner in
W.P.No.16885/2016

Vs.

1.The General Manager
Southern Railways
Headquarters
Chennai - 600 003.

2.The District Collector
Vellore District,
Vellore. .. Respondents 1 & 2
in all WPs'

PRAYER IN W.P.NO.16852/2016: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to direct the respondents to refer the objection in application dated 06.08.2010 of the petitioner under Section 18 of the Land Acquisition Act for determination of the Court as to the enhancement of compensation for the lands of the petitioner in S.No.84/2A1 to an extent of (1 acre) 4000 sq.meter at Malpakkam Village, acquired by the second respondent for forming of Railway Track by the first respondent within a specified time.

PRAYER IN W.P.NO.16853/2016: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to direct the respondents to refer the objection in application dated 06.08.2010 of the petitioner under Section 18 of the Land Acquisition Act for determination of the Court as to the enhancement of compensation for the lands of the petitioner in S.No.84/2A2 to an extent of 1584 sq.meter and 86/1C to an extent

of 383 sq. meter at Melpakkam Village, acquired by the second respondent for forming of Railway Track by the first respondent within a specified time.

PRAYER IN W.P.NO.16854/2016: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to direct the respondents to refer the objection in application dated 06.08.2010 of the petitioner under Section 18 of the Land Acquisition Act for determination of the Court as to the enhancement of compensation for the lands of the petitioner in S.No.86/1A to an extent of 2000 sq. meter at Melpakkam Village, acquired by the second respondent for forming of Railway Track by the first respondent within a specified time.

PRAYER IN W.P.NO.16885/2016: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to direct the respondents to refer the objection in application dated 06.08.2010 of the petitioner under Section 18 of the Land Acquisition Act for determination of the Court as to the enhancement of compensation for the lands of the petitioner in S.No.92/7B to an extent of 1934 sq. meter at Melpakkam Village, acquired by the second respondent for forming of Railway Track by the first respondent within a specified time.

For Petitioner
in all WPs' : Ms.T.Aananthi

For Respondent-1
in all WPs' : Mr.P.T.Ramkumar

For Respondent-2
in all WPs' : Mr.J.Balagopal
Additional Government Pleader

COMMON ORDER

Heard Ms.T.Aananthi, learned counsel for the petitioners; Mr.P.T.Ramkumar, learned counsel for the first respondent and Mr.J.Balagopal, learned Additional Government Pleader for the second respondent.

2.The petitioners, who were land owners, were affected by the acquisition proceedings initiated by the State, for acquiring lands for the formation of Railway Track. According to the petitioners, when they appeared for the enquiry, they made representation on 06.08.2010 objecting to the amount of compensation, which has been fixed, and requested the matter to be referred to the Civil Court, for payment of enhanced compensation. The petitioners, being illiterate persons, were not well informed and they had been repeatedly approaching the Land Acquisition Officer and the District Collector. But till date, no action has been taken.

3.The petitioner in W.P.No.16852 of 2016 applied under the Right to Information Act, by letter dated 18.04.2016, requesting information as regards the market value of the property and the Information Officer, attached to the Office of the Joint Sub Registrar, Arakkonam sent a reply dated 18.04.2016, stating that the market value is about Rs.1,400/- per sq.mt, as on the date of notification i.e. between 01.08.2007 and 31.03.2012. The grievance of the petitioners is that they were paid only One Rupee Forty Paise per SFT. In the light of the above, the petitioners seek for appropriate direction for referring the petitioners' objections to the Civil Court for claiming enhanced compensation.

4.At this juncture, the learned counsel for the first respondent - Southern Railway submitted that it is well within the domain of the second respondent to consider the representation, since the Railway Administration have already deposited the compensation.

5.It is submitted by the learned counsel for the petitioners that all the petitioners have received the compensation amount under protest. This is sufficient to show their objections and the matter should have been referred to the Civil Court under Section 18 of the Land Acquisition Act.

6.The learned Additional Government Pleader submits that since the matter is an old matter, reasonable time may be granted to the second respondent to verify the facts and to take action.

7.In the light of the above, there will be a direction to the second respondent to take note of the petitioners' objections dated 06.08.2010 and verify the entire facts and if they have raised objection, during the course of award enquiry, then necessary action should be taken, in accordance with the provisions of the Land Acquisition Act. The above direction shall be complied with, within a period of three months from the date of receipt of a copy of this order. In the meantime, the petitioners are directed to enclose a copy of their objections, along with a copy of this order and forward the same to the second respondent.

8.These writ petitions are disposed of with the above observations and directions. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

TK

To

1.The General Manager
Southern Railways
Headquarters
Chennai - 600 003.

2.The District Collector
Vellore District,
Vellore.

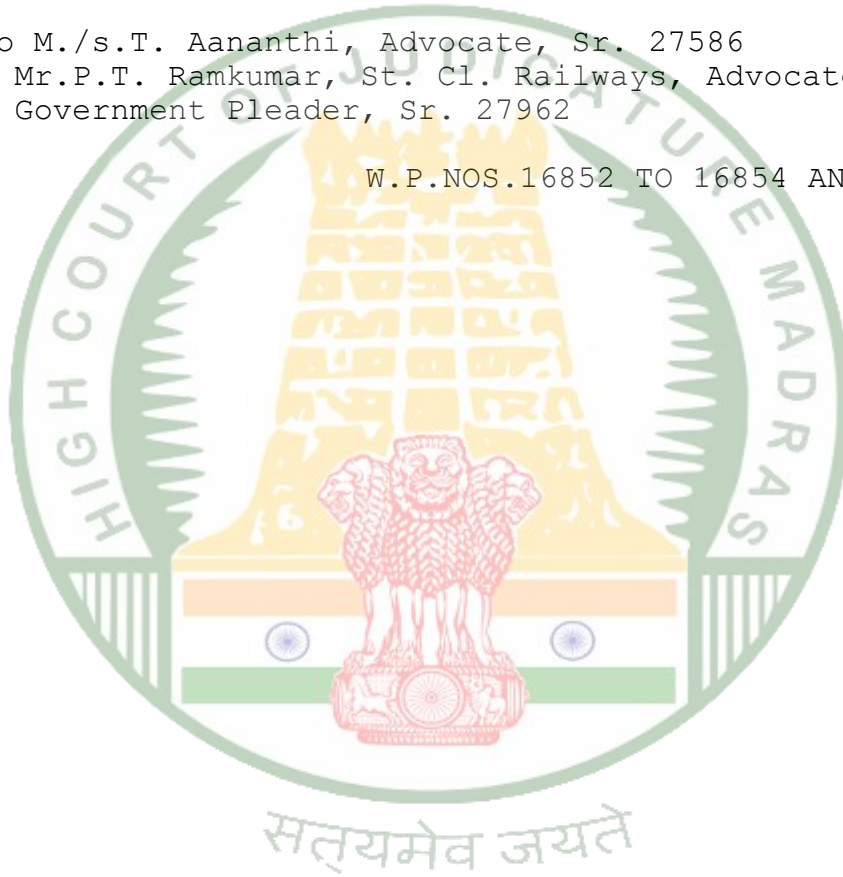
4 ccs to M./s.T. Aananthi, Advocate, Sr. 27586

1 cc to Mr.P.T. Ramkumar, St. Cl. Railways, Advocate, Sr. 27936

1 cc to Government Pleader, Sr. 27962

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