

N THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:01.06.2016

CORAM

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

W.P.No.17487 of 2016

G. Mahamoodul Hasan

..Petitioner

Vs.

The District Collector,  
Cuddalore, Cuddalore District.

..Respondent

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Certiorarified Mandamus to call for connected records pertaining to the passing of the order dated 22.01.2016 in proceedings Na.Ka.No. W2/8875/2016 passed by the respondent, quash the same and consequently direct the respondent to invoke Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and revise the compensation amount as per the new act and pay the same to the petitioner.

For Petitioner :: Mr.G. Justin

For Respondent :: Mr.V. Jayaprakash Narayanan,  
Special Govt. Pleader

O R D E R

This writ petition is filed for issue of a Writ of Certiorarified Mandamus to call for connected records pertaining to the passing of the order dated 22.01.2016 in proceedings Na.Ka.No. W2/8875/2016 passed by the respondent, quash the same and consequently direct the respondent to invoke Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and revise the compensation amount and pay the same to the petitioner.

2. The land belonging to the petitioner's father, comprised in R.S. No. 279/2B of Killai (South) Village, Chidambaram Taluk, measuring an extent of 4.96 acres was acquired by the Special Tahsildar (ADW), L.A., Chidambaram, for providing house sites to Irulars. The award was passed as early as on 27.03.1984 and the compensation amount of Rs.26,737/-, payable to the petitioner's father, was kept in Revenue Deposit, Sub-Treasury, Chidambaram, since the petitioner's father refused to receive it. Challenging the acquisition proceedings, the petitioner's father filed W.P. No. 3914 of 1984 and the same was dismissed on 25.03.1987. No appeal was preferred as against the dismissal of the said writ petition. After the demise of the petitioner's father, the petitioner applied for refund of the compensation amount and the Special Tahsildar (ADW) L.A., Chidambaram, issued proceedings to pay the compensation amount to the petitioner, which was kept in Revenue Deposit at Sub-Treasury, Chidambaram. In spite of petitioner's repeated requests and representations, there was no proper reply or orders for revalidation nor the amount was deposited in accordance with law, hence, the deposit lapsed and the petitioner was unable to get the compensation amount. While so, the new Act, namely, Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, came into force and therefore, the petitioner submitted a representation to the respondent on 01.08.2014 to initiate fresh proceedings and fix the compensation amount in accordance with the new Act, since, as per Section 24(2) of the New Act, the earlier proceedings are deemed to have lapsed. However, no orders were passed on the said representation. Hence, the petitioner filed W.P. No. 34783 2014 and this Court, by order dated 19.02.2015, disposed of the writ petition, directing the respondent herein to pass orders on the representation of the petitioner dated 01.08.2014, on merits and in accordance with law, within a stipulated time. Subsequently, the petitioner made another representation to the respondent along with a copy of the order passed by this Court seeking implementation of the provisions of the new Act. However, by impugned order dated 22.01.2016, the request of the petitioner was rejected by the respondent stating that the State has brought an amendment to the new Act whereby exemption has been granted in respect of land acquisition proceedings initiated for the benefit of Adi Dravidars and Irulars and therefore, the provisions of Section 24(2) of the new Act will not come into play, in the case of the petitioner. Aggrieved by the same, the petitioner has come forward with the present writ petition.

3. Heard the learned counsel on either side.

4. As rightly observed by the respondent, in the impugned order dated 22.01.2016, the purpose of acquisition of

the petitioner's land, was for providing house sites to Adi Dravidars and Irulars and the said acquisition proceedings, by virtue of amendment brought in, to the new Act, has been exempted from the purview of the new Act and therefore, the provisions of Section 24(2) of the new Act cannot be applied to the case of the petitioner. Therefore, the writ petition fails and the same is dismissed. No costs. However, the compensation amount payable to the petitioner, which is lying in R.D. No. 207, Sub-Treasury, Chidambaram, shall be paid within a period of 12 weeks from the date of receipt of a copy of this order.

nv

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

The District Collector,  
Cuddalore, Cuddalore District.

+ 1 cc to Mr.G.Justin, Advocate Sr 29379

+ 1 cc to The Govt. Pleader, Sr 29242

KR/15/6/16

W.P.No.17487 of 2016

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