

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2017

CORAM:

THE HONOURABLE Mr. JUSTICE N.SESHASAYEE

W.P.No.25184 of 2017

S.Subbarayan

... Petitioner

Vs

1.The Government of Tamil Nadu
Rep by the Principal Secretary
to Government
Transport Department
Secretariat, Chennai.

2.The District Collector/
Land Acquisition Officer
(Project of Formation of New
Broad Gauge Railway line
between Chinna Salem and Kallakurichi)
Villupuram District, Villupuram.

3.The Chief Administrative Officer
Southern Railways - Construction Division
E.V.R.Salai, Egmore, Chennai - 8.

4.The Deputy Chief Engineer (Construction)
Southern Railways
Salem Division
Salem.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the second respondent to consider the petitioner's representation dated 07.07.2017 through which requesting to consider all relevant aspects including the market value, while fixing the compensation in accordance with the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 in respect of the petitioner's land comprised in Survey No.162/1 situated at Kallakurichi Village, Revenue District of Villupuram, Kallakurichi Taluk relating to acquisition of land for formation of New Broad Gauge Railway line between Chinna Salem and Kallakurichi.

For Petitioners

: Mr.R.Neelakandan
for Mr.C.Mahendran

For Respondents

: Mr.A.Zakir Hussain [R1 & R2]
Government Advocate
Mr.S.Muthusamy [R3 & R4]

ORDER

The present writ petition is filed seeking a direction of this Court to direct the second respondent to consider the representation of the petitioner dated 07.07.2017, for passing the award under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30/2013).

2. The brief facts are that: the petitioner owns an extent of 0.11.0 acres of land comprised in Survey No.162/1 of Kallakurichi Village, Kallakurichi Taluk, Villupuram District. While so, the Government has issued a notification indicating its proposal to acquire his lands Vide its G.O.Ms.No.111, Transport (I.1) Department, dated 12.06.2012. In the meantime, under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30/2013) has come into force on 01.1.2014, pursuant to which, the first respondent dropped the initial proposal to acquire the lands. Be that as it may, the second respondent issued a notification dated 30.06.2016 under Section 3(2) of the Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997 (Tamil Nadu Act 10/1999), which was objected to by the petitioner.

3. The only prayer of the petitioner is that while computing the compensation payable to the petitioner, the second respondent shall consider the representation of the petitioner to compute the same in terms of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30/2013).

4. Mr.A.Zakir Hussain, learned Government Advocate takes notice for the respondents 1 and 2 and Mr.S.Muthusamy, learned counsel takes notice for the third and fourth respondents.

5. Since no award has yet been passed, this Court directs the second respondent to consider the representation of the petitioner dated 07.07.2017 when he proceeds to pass an award. The petitioner may also be granted an opportunity of hearing in the matter before passing the award.

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ds

To

1.The Principal Secretary
to Government Government,
Transport Department
Secretariat, Chennai.

2.The District Collector/
Land Acquisition Officer
(Project of Formation of New
Broad Gauge Railway line
between Chinna Salem and Kallakurichi)
Villupuram District, Villupuram.

+ 1 cc to MR. S. Muthusamy, Advocate SR.89598
+ 1 cc to Government Pleader SR.89441
(attached in WP.25089/2017)
+ 1 cc to Mr. C.Mahendran, Advocate SR.89135

W.P.No.25184 of 2017

(CCC)

EU(04/01/2018)



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