

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2017

CORAM: THE HONOURABLE Mr.JUSTICE N.SESHASAYEE

W.P.No.33776 of 2016

V.Sorna Mahima
W/o. A.Rex Peter
At 4241, Haro Loop
Dublin, C.A - 94568, U.S.A.

Rep. by her Power Agent T.Vincent Devaraj
No.81, Thayir Itteri Road
Rathinapuri, Coimbatore - 641 027. ... Petitioner

-Vs-

- 1.The State of Tamil Nadu
Rep by its Principal Secretary to Government
Fort St.George, Secretariat
Chennai - 600 009.
- 2.The District Revenue Officer
District Collectorate Office
Coimbatore.
- 3.The Tahsildar
Coimbatore North
Coimbatore. ... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents herein to determine the compensation and grant rehabilitation to the petitioner as provided under Sec.24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 in respect of their lands measuring an extent of 4443 sq.mtrs. In Survey No.60 Part, Velammal Nagar Layout, Plot Nos.26 and 27 Coimbatore North, before taking possession of the lands.

For Petitioner : Mr.A.R.Karthick Lakshmanan
for Ms.A.L.Ganthimathi
For Respondents : Mr.A.Zakir Hussain

ORDER

This petition has been filed to direct the second respondent to consider the representation of the petitioner dated 30.11.2015 for passing an award and provide rehabilitation in terms of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The case of the petitioner is that the property of the petitioner having an extent of 4443 sq.ft. in Survey No.60,

Vellammal Nagar Layout, Plot Nos.26 and 27, Coimbatore North, was sought to be acquired by the second respondent under Section 15(1) of the Tamil Nadu Highways Act, 2001, Vide its notification dated 22.06.2012. Thereafter, no award has been passed.

2. The learned counsel for the petitioner submitted that under Section 105(A) of the Land Acquisition Act, inserted by the Tamil Nadu Amendment Right to Fair Compensation Act to the aforesaid Act, the Tamil Nadu Highways Act, 2001 was brought under Schedule V. But the same was lapsed on 31.12.2014, since Section 105(A) only sought to provide an exemption from the operation of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013/Land Acquisition Act for a period of one year. The learned counsel also argued that possession too has not yet been taken.

3. Heard Mr.A.R.Karthick Lakshmanan, learned counsel appearing for the petitioner and Mr.A.Zakir Hussain, learned Government Advocate for the respondents. No counter has been filed by the respondents.

4. Prima facie, there appears to be some merit in the submission of the learned counsel for the petitioner. The second respondent is directed to consider the representation of the petitioner dated 30.11.2015, given by the petitioner at the time when the award was passed, within a period of eight weeks from the date of receipt of a copy this order and after granting the petitioner an opportunity of personal hearing, take action in accordance with law and communicate the award passed duly and promptly to the petitioner.

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

ds

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To:

1.The State of Tamil Nadu
Rep by its Principal Secretary to Government
Fort St.George, Secretariat
Chennai - 600 009.

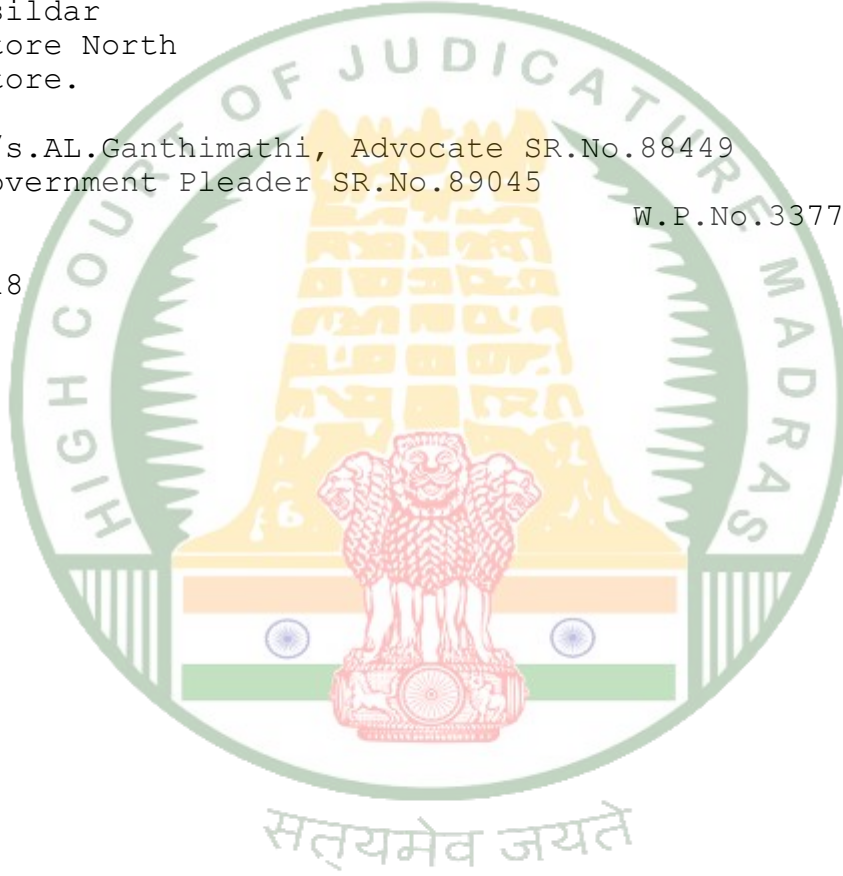
2.The District Revenue Officer
District Collectorate Office
Coimbatore.

3.The Tahsildar
Coimbatore North
Coimbatore.

+1cc to M/s.AL.Ganthimathi, Advocate SR.No.88449
+1cc to Government Pleader SR.No.89045

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Rk(CO)
sm:8.1.2018



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