

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 18.04.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.9526 of 2018
and WMP.No.11434 of 2018

1. K.Palanivel
2. N.Palanivel
3. N.Kandasamy
4. P.Arumugam
5. G.Shanthi
6. N.Kamalam
7. N.Sudhakar
8. A.Periyasamy

... Petitioners

v.

1. The Land Acquisition Officer
-cum-District Revenue Officer,
Namakkal District.
2. The Divisional Engineer,
(Construction & Maintenance),
Highways Department,
Namakkal.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondent to determine the market value as per Section 26 of the Right to Fair Compensation and Transparency in Land Acquisition and Resettlement Act 2013 and to pass final Award by imposing 100% solatium and 12% additional amount by adopting multiplier method as per First Schedule and other benefits ensured under the Second Schedule in view of Section 30 (2) of the RFCTLARR Act 2013 to the acquired lands for the purpose of formation of bypass road to Rasipuram in Anaipalayam Village of Raipuram Taluk, Namakkal District, based on the representations of the petitioners dated 03.02.2018 and 27.01.2018.

For Petitioners : Mr.C.Jagadish

For Respondents : Mr.D.Raja, AGP

ORDER

Mr.D.Raja, learned Additional Government Pleader takes notice for the respondents. By consent of the learned counsel appearing for the parties, the Writ Petition is taken up for final hearing at the admission stage itself.

2. This Writ Petition has been filed for issuance of a Writ of Mandamus to direct the respondents to determine the market value of the land as per Section 26 of the Right to Fair Compensation and Transparency in Land Acquisition and Resettlement Act, based on their representations dated 27.01.2018 and 03.02.2018.

3. The learned counsel for the petitioners submitted that the lands of the petitioners were acquired by the respondents by issuance of a notification dated 17.12.2013. Subsequently, the first respondent has passed an interim award on 07.08.2015.

4. The grievance of the petitioners is that despite their representations, the respondents have not passed final award, as per Section 26 of the said Act.

5. The learned counsel for the petitioners submitted that it would suffice, if a direction is issued to the first respondent to consider the representations of the petitioners.

6. The learned Additional Government Advocate submitted that the representations of the petitioners would be considered in accordance with law.

7. In the light of the above submissions and the facts of this case, this Court, without going into the merits of the case, directs the first respondent to consider the representations of the petitioners, dated 27.01.2018 and 03.02.2018 and pass appropriate orders on merits and in accordance with law, after providing an opportunity of hearing to the necessary parties, within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above observation and direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

pvs

To

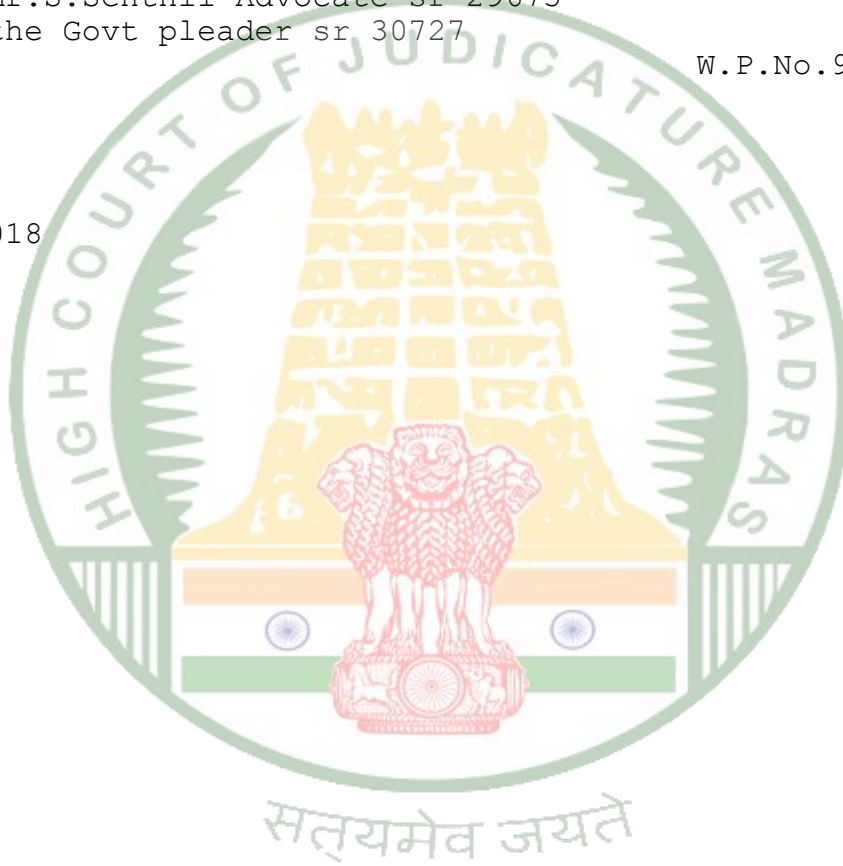
1. The Land Acquisition Officer
-cum-District Revenue Officer,
Namakkal District.
2. The Divisional Engineer,
(Construction & Maintenance),
Highways Department,
Namakkal.

+1 cc to Mr.S.Senthil Advocate sr 29673

+1 cc to the Govt pleader sr 30727

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