

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 29.11.2018
CORAM
THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN
W.P. 22841 of 2018

P.Rajendran

... Petitioner

Vs

1. The Land Acquisition Officer/
Special District Revenue Officer,
(Land Acquisition),
Tamil Nadu State Road Development
Scheme - II,
Chennai-600 028.
2. The Special Tahsildar,
Land Acquisition,
Tamil Nadu State Road Development
Scheme-II,
Tiruvannamalai.
3. The District Collector,
Villupuram.
4. The Tahsildar,
Tirukoilur,
Villupuram District.
5. Jayakodi,
W/o. Ramasamy
6. Natarajan,
S/o. Ramasamy
7. Palani,
S/o. Ramasamy
8. Arumugam,
S/o. Ramasamy
9. Vadivel,
S/o. Ramasamy
10. Murthy,
S/o.Mohanraj
11. Rajangam,
S/o. Mohanraj

12. Parasuraman,
S/o. Mohanraj

Nos.5 to 12 are residing at
Aavi.Kolapakkam Village,
Tirukoilur Taluk,
Villupuram District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st respondent to refer the Land Acquisition Award No.25/2017-18 dated 23.10.2017 (Na.Ka.No.R4/1451/2016/SH/09/Kulapakkam (Aaviyur)) to the Land Acquisition, Rehabilitation and Resettlement Authority constituted under Sec.51 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 in respect of the property in Survey No.10/1B1 - 0.0218 hectares situate at Kulapakkam (Aaviyur), Tirukoilur Taluk, Villupuram District.

For Petitioner : Mr.N.Suresh
For Respondents 1 to 4 : Mr.D.Raja,
Addl. Government Pleader

O R D E R

This Writ Petition has been filed seeking for a direction to the 1st respondent to refer the land acquisition award under Sec.51 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter called as 'Act 30 of 2013').

2. According to the petitioner, the petitioner's lands were sought to be acquired under the Tamil Nadu State Highways Act, and subsequently, award was came to be passed on 23.10.2017. Thereafter, the petitioner has made application before the 1st respondent to refer the matter under Sec.64 of the Act 30 of 2013 for enhancement of compensation. But, that application was not so far considered. Hence, the present Writ Petition has been filed by the petitioner.

3. Mr.N.Suresh, learned counsel appearing for the petitioner contended that even though the lands were acquired under the State Highways Act, under Sec.20 of the Act, the compensation should be determined under the Land Acquisition Act, 1989. Now, the above Act has been repealed and the new Act 30 of 2013 came into force. Hence, the application should be considered based on the new Act 30 of 2013.

4. Mr.D.Raja, learned Addl. Government Pleader appearing for the respondent submitted that the petitioner's lands were acquired under the Tamil Nadu State Highways Act, and the petitioner wants any reference, he has to make an application under Sec.20 of the Act before the competent authority seeking for reference. However, if any such reference is made for enhancement of compensation, that application will be considered under the Act 30 of 2013.

5. I have considered the rival submissions and perused the materials available on record.

6. The petitioner's lands were acquired under the Tamil Nadu State Highways Act. If at all, the petitioner wants to seek any reference, he can make the application only under Sec.20 of the Act, before the concerned authority, and on reference, the compensation will be determined by the authority, and the petitioner cannot seek for reference under Sec.64 of Act 30 of 2013. However, as the petitioner has made an application before the 1st respondent seeking for reference, the 1st respondent is directed to consider the application and pass suitable orders on merits and in accordance with law.

7. Now, it is submitted by the learned counsel appearing for the respondents, on instructions, submitted that now there is a dispute regarding the apportionment of compensation, and the respondents are now proposed to refer it under Sec.21 of the Act also. Hence, the 1st respondent is directed to refer the matter both under Sec.20 and 21 of the Act. The above exercise should be completed within a period of six weeks from the date of receipt of the copy of this order. In the result, the present Writ Petition stands disposed of. No costs.

सत्यमेव जयते Sd/-

Assistant Registrar(Co)

//True Copy//

Sub Assistant Registrar

rpp
To

1. The Land Acquisition Officer/
Special District Revenue Officer,
(Land Acquisition),
Tamil Nadu State Road Development
Scheme - II,
Chennai-600 028.

2. The Special Tahsildar,
Land Acquisition,
Tamil Nadu State Road Development
Scheme-II,
Tiruvannamalai.

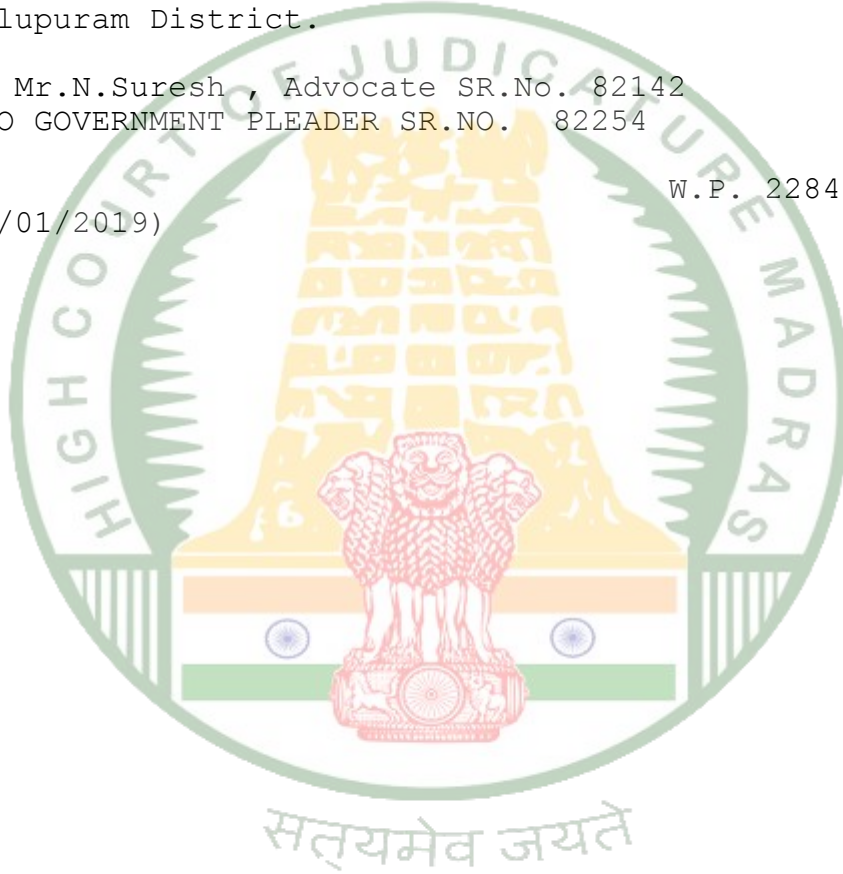
3. The District Collector,
Villupuram.

4. The Tahsildar,
Tirukoilur,
Villupuram District.

+1cc to Mr.N.Suresh, Advocate SR.No. 82142
+1 CC TO GOVERNMENT PLEADER SR.NO. 82254

W.P. 22841 of 2018

A.SK(31/01/2019)



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