

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.01.2018

Coram: The Honourable Mr. Justice N. SESHASAYEE

W.P.No. 17132 of 2017

Moshina Begam

...Petitioner

Versus

1. The District Collector,
Vellore District,
Vellore.

2. The Land Acquisition Officer cum
District Revenue Officer,
Vellore District, Vellore.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to refer the application made by the petitioner dated 25.11.2016 to the competent civil court as mandated under Section 20(1) of the Tamil Nadu Highways Act, 2001 for effective adjudication of the application seeking for enhancement of compensation in respect of the Award No.2 of 2016 ordered on 30.09.2016 passed by the second respondent forthwith.

For Petitioner : Mr. G. Vinodh Kumar

For Respondents : Mr. Akhil Akbar Ali,
Government Advocate

O R D E R

The learned counsel for the petitioner argued that property of the petitioner in S.F.No.257/1 and 256/2 of Melalathur Village, Gudiyatham Taluk, Vellore District was acquired for formation of a vehicular subway, that on 01.07.2013, possession of the land was taken and the property was fully utilized.

2. Subsequently, an award in No.2 of 2016 dated 30.09.2016 was passed by the second respondent. Aggrieved by the inadequacy of the compensation awarded, the petitioner has made a

representation dated 25.11.2016 to the second respondent to refer the matter to the Court concerned. However, till date no reference has been made.

3. Mr. Akhil Akbar Ali, the learned Government Advocate takes notice for the respondents. Heard both sides.

4. Section 20(1) of the Tamil Nadu Highways Act, 2001 reads as follows:

"20. Reference to Court. - (1) Any person aggrieved by the decision of the Collector, or the officer to whom the case was transferred, determining the amount may, within sixty days from the date of such decision, in so far as it affects him, by application to the Collector or the officer to whom the case was transferred, require that the matter be referred by him for the determination of the Court as defined in the Land Acquisition Act, 1894 (Central Act I of 1894), and when any such application is made, the provisions of Part III of the said Act shall mutatis mutandis apply to further proceedings in respect thereof."

5. Prima facie the representation of the petitioner is within 60 days as stipulated in Section 20(1) of the Act. The second respondent is therefore directed to refer the matter to the Court concerned within eight weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

mrr

To

1. The District Collector,
Vellore District,
Vellore.
2. The Land Acquisition Officer cum
District Revenue Officer,
Vellore District, Vellore.

+lcc to Mr.G.Vinodh Kumar, Advocate, S.R.No.116

W.P.No.17132 of 2017

GP(CO)
RRK(13/02/2018)



WEB COPY