

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2018

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P. No.15867 of 2018 &
W.M.P.No.18871 of 2018

V.K.Nalliappan

... Petitioner

Vs.

The Land Acquisition Officer &
District Revenue Officer,
Salem.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the entire records pertaining to the Award No.4 of 2017, dated 30.09.2017 on the file of the respondent and quash the same and consequently, direct the respondent to determine compensation under the Right to Fair Compensation and Transparency in Land Acquisition and Resettlement Act 2013 and to pass award by granting compensation as Section 26, as well as 100% solatium and 12% additional amount by adopting multiplier method as per First and Second Schedule in view of Section 30(2) of the Right to Fair Compensation and Transparency in Land Acquisition and Resettlement Act 2013 with respect to the petitioner's lands situated in Ward 'J', Block 29, New Town Survey No.22/2, Maravaneri Village, Salem Town, measuring to an extent of 93 sq. mtr., for the purpose of construction of road over bridge in lieu of existing L.C.No.184 at Railway K.M. 190/300-400 between Salem Market and Salem Town Railway Station under Tamil Nadu Highways Act, 2001.

For Petitioner : Mr.C.Jagadish

For Respondent : Mr.D.Raja
Additional Government Pleader

O R D E R

Heard Mr.C.Jagadish, learned counsel for the petitioner; Mr.D.Raja, learned Additional Government Pleader for the respondent and perused the materials available on record.

2. The petitioner has come forward with this Writ Petition for issuance of Writ of Certiorarified Mandamus to quash the entire records pertaining to the Award No.4 of 2017, dated 30.09.2017 and for consequential direction, directing the respondent to determine compensation under Right to Fair Compensation and Transparency in Land Acquisition and Resettlement Act 2013 and pass order accordingly.

3. The petitioner would claim that his land measuring an extent of 164 sq.metre in T.S.No.22/1 and another extent of 93 sq.metre in T.S.No.22/2 was acquired by the respondent for the purpose of construction of over bridge, by invoking the provisions of the Tamil Nadu Highways Act.

4. According to the petitioner, the respondent has passed the impugned award under Section 19(6) of the Tamil Nadu Highways Act. The grievance of the petitioner is that after enactment of the Act 30 of 2013, which came into force from 01.04.2014, the petitioner is entitled to be paid compensation under the New Act.

5. The learned counsel for the petitioner reiterating the averments made in the affidavit would add that the landowners will get more benefit under the New Act, but without considering those aspect, the respondent has passed the award under the provisions of the Tamil Nadu Highways Act and hence, it has to be set aside.

6. Per contra, learned Government Advocate appearing for the respondent submitted that the impugned award is only an interim award and the respondents would pass final award under the New Act.

7. In reply, learned counsel for the petitioner submitted that though the petitioner has prayed for the larger relief, he would be satisfied if a direction is issued to the respondent to pass final Award under the New Act.

8. In the light of the above submission and also considering the grievance expressed by the petitioner, this Court, without going into the merits of the case, directs the respondent to pass final Award under the Act 30 of 2013, as expeditiously as possible.

9. With the above direction, the Writ Petition is disposed of. There is no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

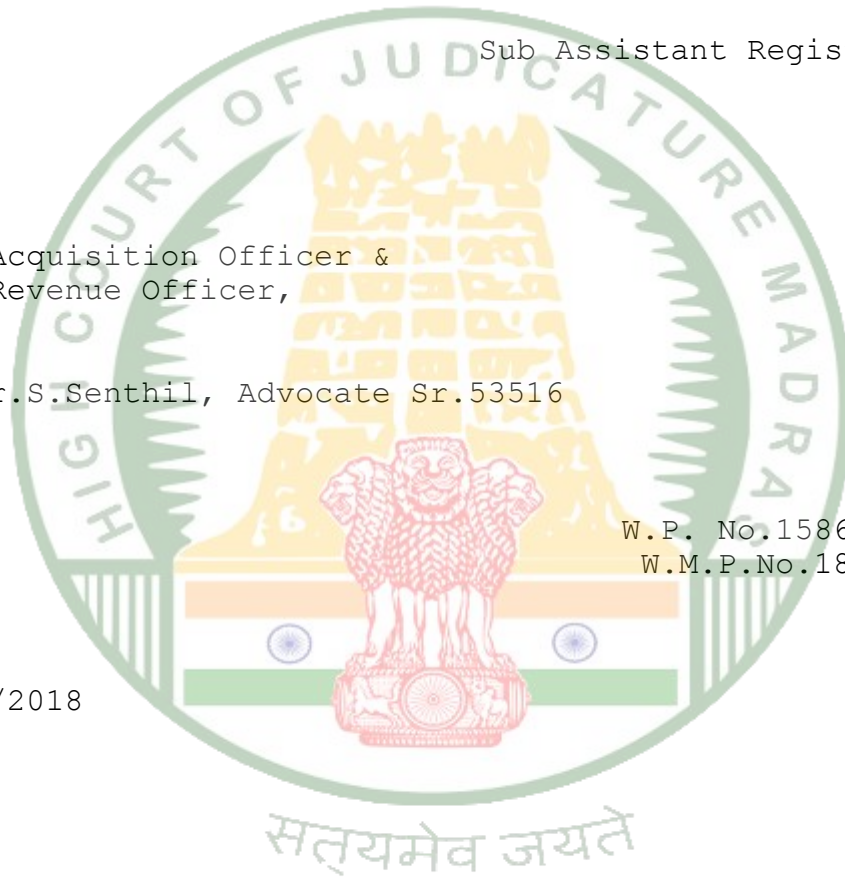
r n s
To

The Land Acquisition Officer &
District Revenue Officer,
Salem.

+1cc to Mr.S.Senthil, Advocate Sr.53516

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srg 10/09/2018



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