

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.No.18376 of 2018

1. V.Manoharan
2. V.Sadhasivam

...Petitioners

Vs.

The Land Acquisition Officer
-cum-District Revenue Officer,
Namakkal, District.

...Respondent

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the respondent to determine the market value to the petitioners' land together with trees 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 Town in Kalyani Village of Rasipuram Taluk, Namakkal District, based on the representation of the petitioners dated 05.06.2018.

For Petitioners : Mr.S.Senthil
For Respondent : Mr.Akhil Akbar Ali, G.A.

ORDER

Mr.Akhil Akbar Ali, learned Government Advocate takes notice for the respondent. 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. The petitioners have come forward with this writ petition for issuance of Writ of Mandamus to direct the respondent to determine the market value to the petitioners' land as per Section 26 of the Right to Fair Compensation and Transparency in Land Acquisition and Resettlement Act 2013 and pass final award, based on their representation, dated 05.06.2018.

3. The case of the petitioners is that the first petitioner is the owner of the land measuring an extent of 2032 sq.mt. situated in Survey No.93/2C2 in Kalyani Village, in Rasipuram Taluk, Namakkal District and the second respondent is the owner of 1986 sq.mt. in Survey No.93/2B2 of the said Village. The petitioners would state that by issuing notification under Section 15 (2) of the Tamil Nadu Highways Act 2001, published on 24.01.2014, the said lands were acquired. It is further stated that the respondent has passed the interim award on 31.08.2015 in Award No.3/2015-16 by following the procedures under Section 23 (1A) of the Land Acquisition Act 1894.

4. The grievance of the petitioners is that after enactment of the Act 30 of 2013 and notification issued under the said Act, dated 21.09.2017, the petitioners are entitled for additional, full and final compensation as per Sections 26, 30 and 105-A of the Act 30 of 2013. The petitioners sent a representation in this regard on 05.06.2018, but no favourable order is forthcoming.

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

6. The learned Government Advocate on instructions submitted that the representation of the petitioners would be considered in accordance with law.

7. In the light of the limited scope of the prayer sought for in this writ petition and the submissions of the learned counsels on either side, this Court, without going into the merits of the case, directs the respondent to consider the representation of the petitioners dated 05.06.2018 and pass award on merits and in accordance with law, after providing an opportunity of hearing to the necessary parties, within a period of three months from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

pvs

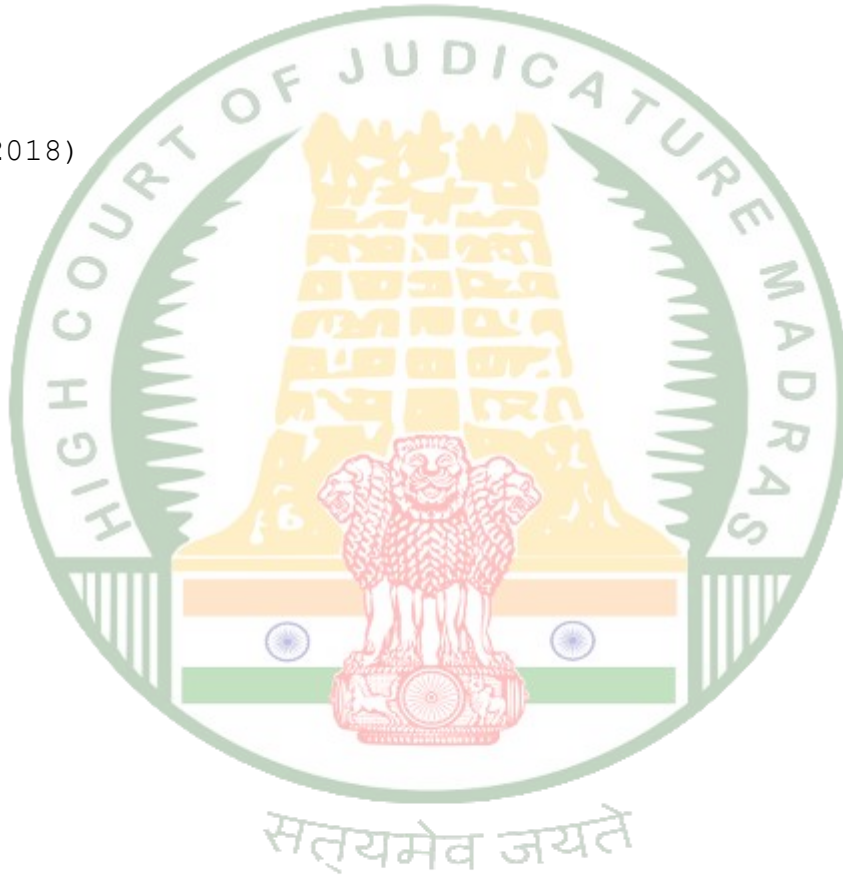
To

The Land Acquisition Officer
-cum-District Revenue Officer,
Namakkal, District.

+ 1 cc to M/s. S. Senthil AdvocateSr.48566
+ 1 cc to Government Pleader Sr.49360

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(CS-VIII)
EU(06/08/2018)



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