

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2018

CORAM:

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Writ Petition No.25623 of 2018
and
W.M.P.Nos. 29789, 29792 of 2018

Jayapal

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Public Works Department,
Fort St. George,
Chennai - 600 009.
2. The District Collector,
Office of Collectorate,
Thiruvallur, Thiruvallur District.
3. The Special Tahsildar (L.A), Unit-II,
Kannankottai-ThervoyKandigai Reservoir Scheme,
Telegu Colony, Kavaraipettai,
Kavaraipettai Post,
Gummudipoondi Taluk,
Thiruvallur District - 601 206.
4. The Executive Engineer,
Public Works Department,
Kannankottai Village,
Gummidipoondi Taluk,
Thiruvallur District - 601 206.
5. Vidhya Rameshwar Rao
6. M/s. Kannankottai Dr.Ambedkar
Narpani Sangam,
Rep. by its President-E.Thiruvénadam.

7. Sakunthala

8. Thara

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 3rd respondent to make a reference in terms of Secs. 64 and 76 of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013 [No.30 of 2013] Central Act to the competent Authority/Court to decide the dispute as to the interested persons, apportionment of the compensation, as to the persons to whom the same is payable and for consequential reliefs in respect of the acquired the properties comprised in Old Survey No.142/1 and New Survey Nos.142/1A-16.40.0 and 142/1B-10.20.0 Hectares situated at No.26, Kannankottai Village, Gummidipoondi Taluk, Thiruvallur District.

For Petitioner : Mr.N.Nithianandam

For Respondents : Mr.D.Raja for R1 to R4,
Additional Government Pleader.

Mr.R.Kumar,
for R5.

O R D E R

The Writ Petition has been filed seeking a direction to the 3rd respondent to make a reference under Sections 64 and 76 of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013 [No.30 of 2013] Central Act to the competent authority to decide the dispute.

2. The grievance of the petitioner is that they are in possession and enjoyment of the land in Old Survey No.142/1 and New Survey Nos.142/1A - 16.40.0 and 142/1B - 10.20.0 Hectares situated at No.26, Kannankottai Village, Gummidipoondi Taluk, Thiruvallur District. According to the petitioner they are the cultivating tenant and they are all entitled for compensation, now they are seeking a direction from the 3rd respondent to make a reference under Sections 64 and 76 of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013 [No.30 of 2013] Central Act.

3. Earlier notice was ordered to the respondents 1 to 4. Today when the matter was taken up for hearing learned Counsel appearing for the respondents submitted that already interim

award has been passed, it was also referred to the Civil Court. Before the Civil Court the petitioner and other 18 persons filed a petition to implead themselves as an interested parties on the ground that they are the cultivating tenant, that application was dismissed by the reference Court. Challenging the same they filed a Civil Revision Petitions before this Court in Civil Revision Petition(PD) Nos.3022 to 3024 of 2017 and C.M.P. Nos. 14199 to 14201 of 2017, this Court by an order dated 02.03.2018 disposed the Civil Revision Petitions and with the liberty to the petitioners wherein to approach the concerned authority and make their applications while passing the final award and establishing their right by producing necessary documents. Pursuant, to the same now the notice has been issued to all those persons and enquiry is now conducted.

4. Considering the fact that now only award enquiry is pending and no award has been passed, the prayer sought for the petitioner seeking to refer the award under Sections 64 and 76 of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 [No.30 of 2013] Central Act to the competent authority does not arise. If at all the petitioner has grievance after passing the award, it is open to them to approach the competent authority for seeking the relief.

5. Hence, the relief sought for in the writ petition cannot be granted at this stage and the writ petition is dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

msvm

To

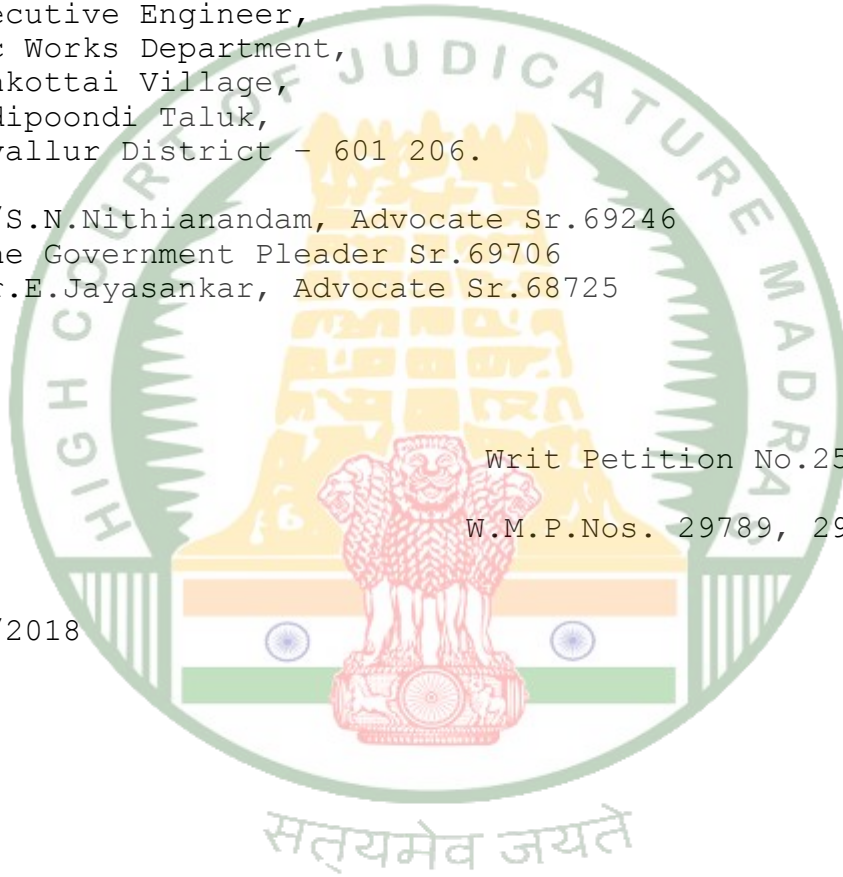
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4. The Executive Engineer,
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Gummidipoondi Taluk,
Thiruvallur District - 601 206.

+1cc to M/S.N.Nithianandam, Advocate Sr.69246
+1cc to the Government Pleader Sr.69706
+1cc to Mr.E.Jayasankar, Advocate Sr.68725

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