

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

Dated: 25.10.2018

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**THE HON'BLE MR.JUSTICE V.BHARATHIDASAN**

Writ Petition No.26379 of 2018

G.Soundaram

**... Petitioner****-Versus-**

- 1.The District Collector,  
Namakkal District.
- 2.The Deputy Chief Engineer, (Construction),  
Salem-Karur Broad Gauge Railway Line Project,  
Southern Railway,  
Salem.
- 3.The Special Tahsildar,  
Land Acquisition,  
Salem-Karun Broad Gauge Railway Line Project,  
Namakkal.

**... Respondents**

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to initiate acquisition proceedings and to issue compensation to the petitioner acquired land situated at Rasipuram Town, Ward-B, Block No.10, Town Survey No.25/9, measuring an extent of 0.0067.5 square meter for forming service road to the road over bridge at Rasipuram for crossing the Salem-Karur Boad Gauge Railway Line by determining compensation under the Right to Fair Compensation and Transparency in Land Acquisition and Resettlement Act, 2013 and to pass award by granting compensation, 100% solatium and 12%

additional amount by adopting multiplier method as per First Schedule and other benefits provided under Second Schedule in view of Section 30(2) of The Right to Fair Compensation and Transparency in Land Acquisition and Resettlement Act, 2013 based on the representation of the petitioner dated 29.02.2016.

*For Petitioner* : Mr.S.Senthil  
*For Respondents* : Mr.M.Elumalai,  
Government Advocate  
for R1 to R3

**ORDER**

The petitioner claims to be the owner of the house site in Plot No.124, measuring an extent of 3390 square feet situate at Arun Nagar, Rasipuram Town in Ward-B, Block No.10, comprised in Town Survey No.25/1D and now sub divided as Town Survey No.25/9 (Old revenue S.No.326/1 and 326/2). On 24.12.2012, the 2nd respondent had acquired a portion of his land measuring to an extent of 0.0067.5 square meter for forming a service road to Road Over Bridge for crossing Salem-Karur Broad Gauge Line has been constructed. Even though the land was acquired as early as in the year 2012, so far no compensation has been paid to the petitioner despite repeated representations. Hence, this writ petition.

2. Earlier notice was ordered to the respondent.

Mr.M.Elumalai, who took notice to the respondents had sought for time to get instructions and the matter was accordingly adjourned.

3. Today, when the matter came up for hearing, the learned Government Advocate, on instructions, submitted that the land has not been acquired till date. According to him, when the proposal under the provisions of The Land Acquisition Act, 1894 (in short, the Act, 1894) for acquisition of the petitioner's land was pending, the Union of India had enacted a new Act, viz., The Right to Fair Compensation and Transparency in Land Acquisition and Resettlement Act, 2013 (in short, "the Act 30 of 2013"), therefore, the respondents were not in a position to acquire the land immediately and the respondents have now taken steps to acquire the land under the provisions of the Act 30 of 2013. As a matter of fact, according to the learned Government Advocate, necessary proposal has already been prepared and after issuing appropriate notification, compensation amount payable for the acquire land will be determined and paid to the petitioner as per the provisions of the Act 30 of 2013.

4. Considering the submission made by the learned Government Advocate, without going into the merits of the case, this court directs the respondents to initiate appropriate proceedings for acquiring the

petitioner's land under the Act 30 of 2013 and pass suitable award. The entire process of acquisition proceedings including payment of compensation shall be completed within a period of six months from the date of receipt of a copy of this order.

5. In the result, the writ petition is disposed of with the above directions. No costs.

25.10.2018

Index : yes / no

Internet : yes / no

Speaking / Non Speaking Order

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To

- 1.The District Collector, Namakkal District.
- 2.The Deputy Chief Engineer, (Construction),  
Salem-Karur Broad Gauge Railway Line Project,  
Southern Railway, Salem.
- 3.The Special Tahsildar, Land Acquisition,  
Salem-Karun Broad Gauge Railway Line Project, Namakkal.

V.BHARATHIDASAN.J.,

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W.P.No.26379 of 2018

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