

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2018

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.28826 of 2018

K.Muthuvel

... Petitioner

Vs.

1. The District Collector,
Nagapattinam District

2. The Land Acquisition Officer/
Revenue Divisional Officer,
Nagapattinam,
Nagapattinam District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the first respondent to make a reference in Award No.1 C/2018 dated 30.01.2018 to the appropriate authority for the determination of enhancement of the compensation and other remedies by considering the petitioner's representation dated 23.06.2018 and a subsequent reminder dated 23.07.2018.

For Petitioner : Mr. D.R.Arun Kumar

For Respondents: Mr.D.Raja, AGP

O R D E R

This writ petition has been filed seeking direction to the first respondent to make a reference of Award No.1 C/2018 dated 30.01.2018 for enhancement of compensation.

2. The grievance of the petitioner is that, the petitioner's lands were acquired under the land Acquisition Act 1894, for establishing Fisheries University at Nagapattinam. Thereafter, an interim award was also passed by the second respondent on 31.01.2018 and this Court by an order dated 31.03.2016 in W.P.No.9712 of 2015 set aside the interim award

and directed the respondents to pass award under Act 30 of 2013. Subsequently, an award was also passed, but the copy of the same was not furnished to the petitioner. In the said circumstances, the petitioner filed a contempt petition in Cont.P.No.1663 of 2017, and this Court by an order dated 12.04.2018, directed the respondents to serve the copy of award within a period of one week from the date of order. Pursuant to the same, a copy of the award was furnished to the petitioner. Immediately on 23.06.2018, the petitioner submitted the application before the first respondent under Section 64 of the Act 30 of 2013, to refer the award to the competent authority, but the same was not considered so far. Hence, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner submitted that under Section 64(1) of the Act 30/2013 the respondents are bound to make a reference to the appropriate authority within a period of one month. Even though the petitioner filed the application in time, the award was not referred to the competent authority.

4. The learned Government Advocate appearing for the respondents 1 and 2 submitted that now the application is pending with the first respondent and the first respondent will take suitable steps to refer the award.

5. I have considered the rival submissions and perused the materials available on record.

6. Considering the above facts and circumstances of the case and since the petitioner's application is pending with the first respondent, the first respondent is directed to refer the award to the competent authority within a period of four weeks from the date of receipt of a copy of this order.

7. With the above directions, this writ petition is disposed of. No costs.

mrp

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

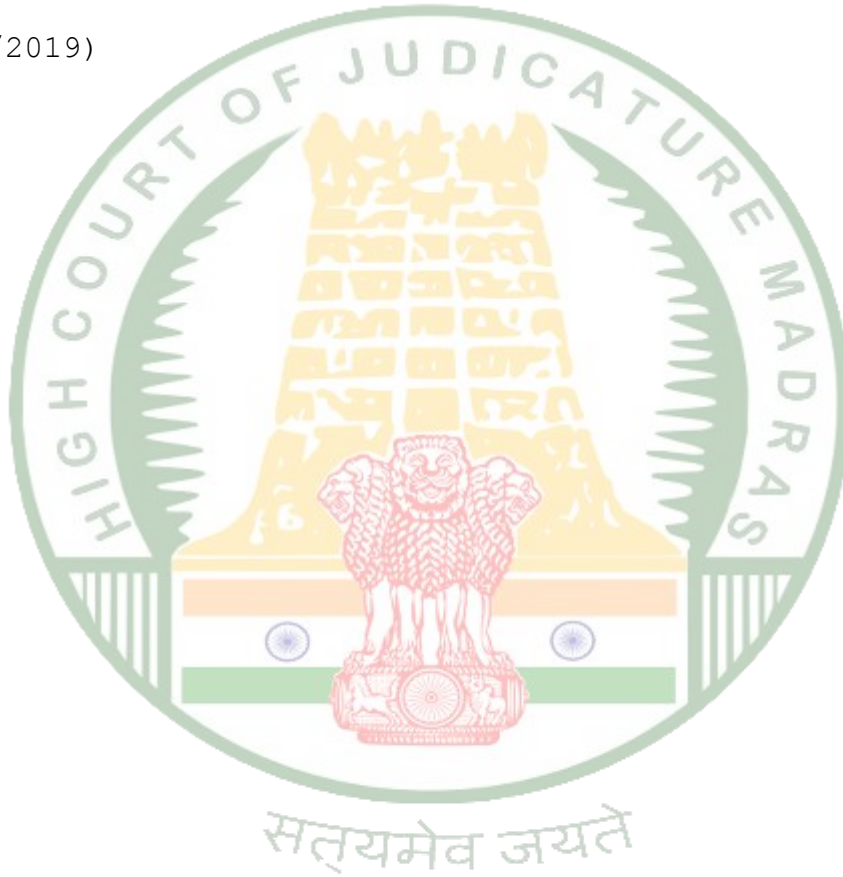
1. The District Collector,
Nagapattinam District

2. The Land Acquisition Officer/
Revenue Divisional Officer,
Nagapattinam,
Nagapattinam District.

+1cc to Mr.D.R.Arun Kumar, Advocate, S.R.No.82186
+1cc to the Government Pleader, S.R.No.82632

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RR(CO)
KAK(15/02/2019)



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