



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) Nos.7052 and 7053 of 2019

B.Krishnakumari

...Petitioner in W.P. (MD) No.7052/2019

T.Sundari

...Petitioner in W.P. (MD) No.7053/2019

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Special Tahsildar (L.A),
Airport Extension
Madurai - 625 020

...Respondents in both petitions

PRAYER : Writ Petitions are filed under Article 226 of the Constitution of India for issuance of Writs of Mandamus to direct the 1st respondent to refer petitioners' petition u/s.8 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997, Tamil Nadu Act 10 of 1999 dated 30.01.2019 to the Court to determine the enhanced compensation for the acquisition of petitioners' land in Survey No.315/1A1A an extent of 4530 Sq. ft., 315/5 an extent of 4345 sq. ft. respectively of Perunkudi Village, Thiruparankundram Taluk, Madurai District in Award No.29/2018 dated 11.01.2019 within a period as stipulated by this Court.

For Petitioners

:Mr.A.Haja Mohideen

For Respondents

:Mr.M.Rajarajan

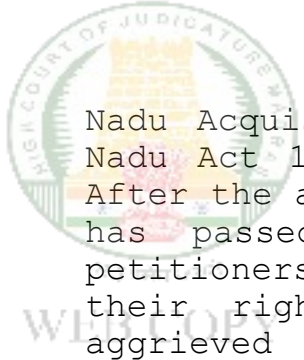
Government Advocate

COMMON ORDER

The prayer in the writ petitions is for a writ of Mandamus to direct the 1st respondent to refer petitioners' petitions u/s.8 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997, Tamil Nadu Act 10 of 1999 dated 30.01.2019 to the Court to determine the enhanced compensation for the acquisition of petitioners' land in Survey No.315/5 an extent of 4345 Sq. ft., 315/1A1A an extent of 4530 sq. ft. respectively of Perunkudi Village, Thiruparankundram Taluk, Madurai District in Award No.29/2018 dated 11.01.2019.

2. Heard the learned counsel for the petitioners and the learned Government Advocate appearing for the respondents.

3. In these writ petitions, the respective petitioners are the land owners, whose lands had already been acquired under the Tamil



Nadu Acquisition of Land for Industrial Purposes Act, 1997, Tamil Nadu Act 10 of 1999 (hereinafter after referred to as 'the Act'). After the acquisition, the District Collector, based on the enquiry, has passed an award towards compensation and the respective petitioners have received the award amount without prejudice to their right to seek for enhanced compensation. Accordingly, aggrieved over the said decision with regard to the quantum of compensation fixed by the 1st respondent Collector, these petitioners have made request/application under Section 8 of the Act to the 1st respondent Collector to refer the matter to the competent Court to decide the plea of the respective petitioners for enhancement of compensation. However, the applications submitted by the respective petitioners before the 1st respondent under Section 8 of the Act, since have not been acted upon and no reference so far has been made, these petitioners are before this Court.

4.I have heard the learned Government Advocate, who would submit that, certainly, if applications are filed under Section 8 of the Act before the 1st respondent Collector, those applications would be referred to the competent Court to take a decision with regard to the plea raised by the respective petitioners for enhancement of compensation and such an exercise would be undertaken within a time frame that may be fixed by this Court.

5.Considering the limited scope of the prayer sought for in these writ petitions and after hearing the learned counsel appearing for the petitioners as well as the learned Government Advocate appearing for the respondents in these cases, this Court is inclined to dispose of all these writ petitions by passing the following direction:

"The 1st respondent, District Collector, is hereby directed to take up the respective applications filed by the petitioners herein under Section 8 of the Act and act upon thereon, by referring the matter to the competent Court to decide the plea of the respective petitioners for enhancement of compensation. Such exercise of reference shall be made by the 1st respondent District Collector within a period of four weeks from the date of receipt of a copy of this order."

6.With the above direction, these writ petitions are disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)



To

1.The District Collector,
Madurai District,
Madurai.

2.The Special Tahsildar,
Airport Extension
Madurai - 625 020

+2 CC to Mr.A.HAJA MOHIDEEN, Advocate SR-69882 & 69881.
+1 CC to SPL GP SR-70066.

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CS: (27/06/2019) 3P 6C