

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.14368 of 2020

S.Kandasamy

... Petitioner

..Vs..

The Land Acquisition Officer/Special Tahsildar,
(Land Acquisition)
Salem-Karur Broad Gauge Railwayline Project,
Unit-1,
District Collector's Complex,
Thummankurichi,
Namakkal District.

... Respondent

This Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to determine the market value 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 providing 100% solatium and 12% additional amount 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 situate at N.Kosavampatti Village, Namakkal Taluk, comprised in Survey Nos.456/1A1 & 456/2B1 for the purpose of formation of Salem-Karur Broad gauge Railwayline in N. Kosavanpatti Village, based on the petitioners' representation dated 06.01.2020.

For Petitioners: Mr.S.Senthil

For Respondent : Mr.D.Raja,
Additional Government Pleader

ORDER

This Writ Petition has been filed for the issue of Writ of Mandamus directing the respondent to act upon the representation made by the petitioner dated 06.01.2020, wherein the petitioner is seeking for fixation of compensation and passing of the final award under the Right to Fair Compensation and Transparency in Land Acquisition and Resettlement Act 2013.

2. The case of the petitioner is that the land was acquired under the old Act and during the pendency of the acquisition proceedings, the new Act came into force. It is also seen from the records, the respondent has passed an interim award on 03.02.2015, wherein it has been stated that the final compensation will be paid in accordance with the new Act.

3. This interim award was passed in the year 2015. The petitioner has made several representations thereafter requesting the respondent to pass a final award and pay the compensation. Since the same has not been acted upon, the present Writ Petition has been filed.

4. Heard Mr.S.Senthil, learned counsel appearing on behalf of the petitioner and Mr.D.Raja, learned Additional Government Pleader, appearing on behalf of the respondent.

5. Taking into consideration the facts and circumstances of the case and the limited relief that has been sought for in the writ petition, there shall be a direction to the respondent to consider the representation made by the petitioner on 06.01.2020 and pass orders strictly in accordance with law within a period of eight weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation to the respondent along with all relevant documents.

6. This writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

msr

To

The Land Acquisition Officer/Special Tahsildar,
(Land Acquisition)
Salem-Karur Broad Gauge Railwayline Project,
Unit-1,
District Collector's Complex,
Thummanurichi, Namakkal District.

+1cc to M/s.S.Senthil ,Advocate, sr no.33951

+1cc to The Government Pleader, sr no.34099

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MTI (CO)

RMP (02/12/2020)