



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P(MD)No.18705 of 2020

D.Udhayakumar

... Petitioner

Vs.

1.The Additional Chief Secretary to the Government/
Commissioner of Land Reforms,
Chepauk, Chennai - 600 005.

2.The Additional Chief Secretary to the Government,
Highways and Minor Ports Department,
Fort St.George, Chepauk, Chennai.

3.The District Collector,
Dindigul District, Dindigul.

4.The Land Acquisition Officer/Revenue Divisional Officer,
Dindigul, Dindigul District.

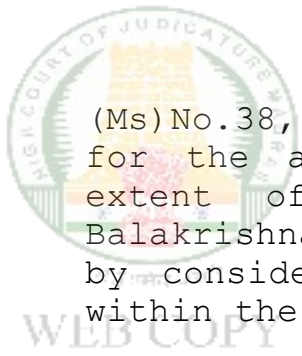
5.The Tahsildar,
Dindigul East Taluk,
Dindigul District.

6.The Special Tahsildar (Land Acquisition),
Villuppuram- Dindigul Broad-gauge Railway Line Project,
Collectorate Building, Dindigul.

7.The Chief Project Manager,
Rail Vikas Nigam Limited,
Thirumalai Railway Station, Mylapore,
Chennai- 600 004.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 3 , 4 and 6 to determine and pay fair compensation as per the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Settlement Act, 2013 and the Tamil Nadu Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Settlement Rules, 2017 and as per the Government order in G.O.



(Ms)No.38, Highways and Minor Ports Department, dated 08.03.2019 for the acquisition of the petitioner's land comprised in an extent of 0.03.50 Hectares situated in Survey No.776 of Balakrishnapuram Village, Dindigul East Taluk, Dindigul District by considering the petitioner's representation dated 08.09.2020 within the time frame as fixed by this Court.

For Petitioner : Mr.J.Lawrence

For Respondents 1 to 6 : Mr.K.P.Krishnadoss
Special Government Pleader

For Respondent No.7 : Mr.S.Manoharan
Standing Counsel for Railway

ORDER

This writ petition has been filed for issuance of a direction to the directing the respondents 3, 4 and 6 to determine and pay fair compensation as per the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Settlement Act, 2013 and the Tamil Nadu Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Settlement Rules, 2017 and as per the Government order in G.O.(Ms)No.38, Highways and Minor Ports Department, dated 08.03.2019 for the acquisition of the petitioner's lands to an extent of 0.03.50 Hectares situated in Survey No.776 of Balakrishnapuram Village, Dindigul East Taluk, Dindigul District by considering the petitioner's representation dated 08.09.2020 within the time frame as fixed by this Court.

2.Heard the learned counsel appearing for the petitioner, Mr.K.P.Krishnadoss, learned Special Government Pleader, who takes notice for the respondents 1 to 6 and Mr.S.Manoharan, who takes notice for the seventh respondent. By consent, the writ petition is taken up for disposal at the admission stage itself.

3. The case of the petitioner is that the petitioner has submitted his representation, dated 08.09.2020 to the respondents, in order to pay fair compensation as per the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Settlement Act, 2013 and the Tamil Nadu Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Settlement Rules, 2017 and as per the Government Order in G.O.(Ms)No.38, Highways and Minor Ports Department, dated 08.03.2019 for the acquisition of the Petitioner's land to an extent of 0.03.50 Hectares in Survey No.776 situated at Balakrishnapuram Village, Dindigul East Taluk, Dindigul District. So far, no action has been taken by the first respondent. Hence, the petitioner approached this Court.



4. Learned counsel for the petitioner further submitted that it would suffice, if the representation of the petitioner dated 08.09.2020 is disposed of by the respondents at the earliest.

5. Learned Government Advocate appearing for the respondents 1 to 6 would submit that the third respondent is prepared to consider the representation of the petitioner and to pass suitable orders on the same.

6. In view of the limited scope of the prayer sought for by the petitioner, this Court, without expressing any opinion on the merits of the matter, directs the third respondent to consider the representation dated 08.09.2020 submitted by the petitioner and to pass appropriate orders in accordance with law, after hearing the petitioner as well as the seventh respondent and the persons, who are interested or the persons who will likely to be affected, within a period of 120 days from the date of receipt of a copy of this order, if there is no legal impediment to do so.

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

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

PJL

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

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+1 cc to Mr.J.Lawrence , Advocate SR.No.26467

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KM (08.02.2021) 4P 9C