

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2021

CORAM : JUSTICE N.SESHASAYEE

W.P.NO.3312 OF 2021

AND

WMP.NO.3768 OF 2021

1.S.Suresh Kumar
2.Sinraj
3.Maheswari

... Petitioners

Vs.

1. The District Collector
Namakkal District
Namakkal.

2. The Special Tahsildar (Land Acquisition)
and Revenue Divisional Officer
Namakkal.

... Respondents

Prayer :

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents to pass fresh award by redetermining the amount of compensation in accordance with Sec.28A of the Land Acquisition Act, 1894 in the light of the judgment and decree dated 28.02.2020, made in LAOP.No.211 of 2000 on the file of the Land Acquisition Tribunal, Namakkal with respect to the petitioners' acquired land comprised in Survey Nos.8/3A, 8/3C and 8/6B measuring an extent of 0.25.25 hectare situated at Thummankurichi Village, Namakkal Taluk & District, based on the representation of the petitioners dated 12.12.2020.

For Petitioners : Mr.S.Senthil

For Respondents : Mr.D.Raja

Additional Government Pleader

ORDER

The petitioners have moved the District Collector under Section 28-A of the Land Acquisition Act, 1894 for seeking parity in the matter of awarding compensation pursuant to the decree passed on 28.02.2020 in LAOP.No.211 of 2000 by the Land Acquisition Tribunal, Namakkal.

2. The learned counsel for the petitioners submitted that there is nine months delay in making the request and this was essentially due to the COVID-19 pandemic days, the country has been going through, and filed their representation on 12.12.2020.

3. Heard Mr.S.Senthil, learned counsel for the petitioner and Mr.D.Raja, learned Additional Government Pleader for the respondents.

4. Though the petitioner ought to have approached the first respondent within a period of three months of passing the award, in case of any re-determinaion of amount of compensation on the basis of the award of the Court, but, owing to the lock down period of Corona pandemic, the entire limitation now falls. Even, the Supreme Court, in its order dated 23.03.2020 Writ Petition (Civil) No.3/2020, took Suo Motu cognizance of the difficulties faced by litigants in approaching various Courts and Tribunals due to ongoing pandemic and consequent to National lock down, all statutory deadlines, were either relaxed or extended in the light of the National lock down until further orders were passed.

5. Therefore, viewing thus, this Court directs the District Collector/first respondent herein to consider the representation of the petitioners after affording an opportunity of effective hearing to the petitioners and dispose of the same within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

ds

To:

1. The District Collector
Namakkal District
Namakkal.

2. The Special Tahsildar (Land Acquisition)
and Revenue Divisional Officer
Namakkal.

+1cc to Mr.S.Senthil, Advocate, S.R.No.13567
+1cc to the Government Pleader, S.R.No.14166

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PCH(CO)
CS/09/04/2021



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