



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2021

CORAM:

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.7992 of 2021

1. K.G.Meiyazhagan
Represented by his Power Agent S.Thilagamani
2. S.Thilagamani ...Petitioners

Versus

The Special District Revenue Officer
(Land Acquisition)
Chennai - Kanyakumari Industrial Corridor Project,
Zakir Ammapalayam,
Salem 636 302. ...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent to determine the compensation value for the lands acquired from the petitioners herein comprised in Survey Nos.544/7A2, 544/9A2, 544/7B2 and 544/9B2 situated at Morur Bit-2 Village, Sankari Taluk, Salem District, for the purpose of laying a bye-pass road leading from Omalur-Sankari-Tiruchengode to Paramathi Road under Chennai-Kanyakumari Industrial Corridor Project as per Tamil Nadu Highways Act, 2001 in consonance with Section 26(1)(a) of the RFCTLARR Act by considering the representation of the petitioners dated 17.02.2021 within a time frame fixed by this Court.

For Petitioners : Mr.S.Senthil

For Respondent : Mr.V.Veluchamy
Government Advocate.

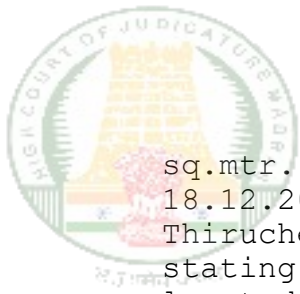
ORDER

This writ petition has been filed for issuance of Writ of Mandamus, directing the respondent to determine the compensation value for the lands acquired from the petitioners herein comprised in Survey Nos.544/7A2, 544/9A2, 544/7B2 and 544/9B2 situated at Morur Bit-2 Village, Sankari Taluk, Salem District, for the purpose of laying a bye-pass road leading from Omalur-Sankari-Tiruchengode to Paramathi Road under Chennai-Kanyakumari Industrial Corridor Project as per Tamil Nadu Highways Act, 2001



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and they alternatively offered to pay at the rate of Rs.98.84



sq.mtr. In the meanwhile, the petitioners came to know that on 18.12.2020, the Special Tahsildar, Land Acquisition, Thiruchencode sent a letter to the Sub Registrar, Sankari, stating that the land comprised in S.No.544/7A and S.No.544/9A located 1.5 k.mtrs interiorly from Thiruchencode to Sankari State Highways and while determining the compensation to the said land, whether the same can be treated and taken up as commercial lands or otherwise taking into account the lands lying are punjai in nature, to do revaluation of the said lands as punjai lands. Apart from that, another letter dated 03.02.2021 was sent by the respondent to the District Registrar of Salem District making the very same request, as stated above. Thereafter, the petitioners had sent separate representation to the Inspector General of Registration on 22.02.2021 requesting the said officer not to revalue and reduce the guideline value already fixed at the rate of Rs.3610/- per sqmtrs in respect of lands comprised in S.Nos.544/7A and 544/9A at the request of the respondent and the said representations were also marked to the Project Director, Tamil Nadu Road Development Scheme, Greenways Road, Chennai and the District Registrar, Salem District. As per Section 19(6) of the Act, the Collector shall be guided by the provisions of the Land Acquisition Act, 1894. As per the Tamil Nadu Land Acquisition (Revival of Operation, Amendment and Validation) Act, 2019 came into force on 26.09.2013 have been enacted by the Tamil Nadu Government in which Section 10 (3) provides for determining compensation as per New Land Acquisition Act i.e., The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR Act). Therefore, the determination of market value of the land acquired under the Tamil Nadu Highways Act, 2001 has to be determined as per Section 26 of RFCTLARR Act r/w Section 19 (6) of the Tamil Nadu Highways Act, 2001 as well as Section 10 (3) of the Tamil Nadu Land Acquisition (Revival of Operation, Amendment and Validation) Act, 2019. Hence, the petitioners have come forward with the present writ petition under Article 226 of the Constitution of India.

3. Today, when the matter was taken up for consideration, the learned counsel for the petitioners submitted that though the respondent received the representation of the petitioner dated 22.02.2021 for the relief as stated in this writ petition, the respondent did not take any action, till date. Hence, the learned counsel prayed for appropriate direction to the respondent in this regard.

4. On the other hand, the learned counsel appearing for the respondent fairly submitted that the respondent would consider the representation of the petitioner and pass orders, on merits, within a reasonable time to be fixed by this Court.



5. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the respondent to consider the representation of the petitioner dated 22.02.2021 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, within a period of twenty weeks from the date of receipt of a copy of this order.

6. This writ petition stands disposed of accordingly. Consequently, the connected W.M.P.No.8550 of 2021 is also closed. No costs.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

gba

To

The Special District Revenue Officer
(Land Acquisition)
Chennai - Kanyakumari Industrial Corridor Project,
Zakir Ammapalayam,
Salem 636 302.

+1cc to Mr.S.Senthil, Advocate, S.R.No.55763

+1cc to the Government Pleader, S.R.No.56239

W.P.No.7992 of 2021

SVI (CO)
RGA(01/12/2021)