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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2021

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.9630 OF 2019

AND

W.M.P.NO.10245 OF 2019

1. R.Nagarathinam
2. N.Vinothkumar
3. S.Kamala

... Petitioners

-Vs-

1. The Union of India,
Rep. by the Secretary,
Ministry of Railways,
New Delhi.
2. The General Manager,
Southern Railway
Park Town,
Chennai - 3.
3. The Divisional Railway Manager,
Southern Railway,
Trichy.
4. The Deputy Chief Engineer,
Gauge Conversion/II,
Southern Railway,
Tiruchirappalli.
5. The District Collector,
Nagapattinam District,
Nagapattinam.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondents to consider the petitioners' representation dated 12.10.2018 within a time frame fixed by this Court.



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For Petitioners : Mr.K.Arunagiri

For Respondents

For R1 to R4 : Mr.P.T.Ramkumar
Standing Counsel for Railways

For R5 : Mr.S.Rajesh
Government Advocate

ORDER

This Writ Petition has been filed to direct the respondents to consider the petitioners' representation dated 12.10.2018 within a time frame fixed by this Court.

2. The case of the petitioners is that they owned agricultural as detailed below:-

S. No.	Survey No.	Classification	Total Extent hectare
1.	215	Punja wed	0.13.07
2.	216	Punja wed	0.2.36
3.	217	Punja wed	0.0.59
4.	218-54	Punja wed	0.6.20
		Total	0.22.22

While being so, the Government of Tamil Nadu issued G.O.Ms.No.162, Transport (I.1) Department, dated 01.11.2011 and accorded approval for broad gauge conversion work between Thiruvarur and Mayiladuthurai Railway Station, under the urgency provision of Section 17(2) of the Land Acquisition Act, 1894. The subject lands were acquired and occupied by the respondents for gauge conversion work to an extent of 1050 sq.mt., in old survey No.54, in the month of August, 2010 itself. Thereafter, the petitioners repeatedly sent representation before the fourth respondent with regard to payment of compensation. However, even till today, no award has been passed and no compensation amount has been disbursed to the petitioners.

3. The learned counsel appearing for the petitioners would submit that by the communications dated 27.07.2021, 03.11.2021 & 26.11.2021, the fourth respondent requested the fifth respondent to expedite the acquisition proceedings and pass award, so as to they will pay compensation for the land acquired for the above said purpose. He further submitted that after bifurcation of



Nagapattinam District, the subject lands are come under the jurisdiction of the Mayiladuthurai District. Therefore, he prayed for necessary direction in the present case.

4. Heard Mr.K.Arunagiri, learned counsel appearing for the petitioners, Mr.P.T.Ramkumar, learned Standing Counsel appearing for the respondents 1 to 4 and Mr.S.Rajesh, learned Government Advocate appearing for the fifth respondent.

5. On perusal of the communications sent by the fourth respondent revealed that they already sent communication to expedite the proposal for acquisition of private and Government poramboke land at Sittharkadu Village, Mayiladuthurai Town to the tune of 2.90.00 hectare of private land, 0.14.0 hectare of poramboke land and 0.24 hectare of temple land. The fourth respondent already furnished the administrative approval of the competent authority to conduct direct negotiation to the State Government for the subject land acquisition.

6. Considering the above facts and circumstances, the District Collector, Mayiladuthurai District, is directed to conduct enquiry and pass award in respect of the acquisition of the subject property within a period of two weeks from the date of the receipt of a copy of this Order. After the award passed by the District Collector, the fourth respondent is directed to deposit the compensation amount in favour of the petitioners, within a period of two weeks thereafter.

7. With the above directions, the Writ Petition stands disposed of. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rts

To

1. The Secretary,
Union of India
Ministry of Railways,
New Delhi.



2. The General Manager,
Southern Railway
Park Town,
Chennai - 3.

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3. The Divisional Railway Manager,
Southern Railway, Trichy.
4. The Deputy Chief Engineer,
Gauge Conversion/II,
Southern Railway,
Tiruchirappalli.
5. The District Collector,
Mayiladuthurai District,
Mayiladuthurai.

+1cc to Mr.P.T.Ramkumar, Advocate, S.R.No.66857
+1cc to Mr.K.Arunagiri, Advocate, S.R.No.66928
+1cc to the Government Pleader, S.R.No.67530

W.P.No.9630 of 2019 and
W.M.P.No.10245 of 2019

MG (CO)
PBS/07/01/2022