



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.8606 OF 2021

R.Tharana

... Petitioner

vs.

1. The District Collector,
Collectorate, Thiruvannamalai,
Thiruvannamalai District.
2. The Special Thasildar (L.A)
Tindivanam - Thiruvannamalai,
New Broad Gauge Railway Scheme
Thiruvannamalai
Thiruvannamalai District.
3. Union of India, Represented by
The Deputy Chief Engineer,
Southern Railway,
Tindivanam - Thiruvannamalai,
New Broad Gauge Railway Scheme,
Tambaram,
Chennai - 600045.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Respondents to consider the representations of the Petitioner dated 10.05.2018 and 03.02.2021.

For Petitioner	:	Mr.S.Udayakumar
For R1 and R2	:	Mr.M.Muthusamy Government Advocate
For R3	:	Mr.P.T.Ramkumar Standing Counsel



ORDER

This writ petition has been filed to issue a Writ of Mandamus, directing the respondents to consider the representations of the petitioner dated 10.05.2018 and 03.02.2021.

2. The case of the petitioner is that the land comprised in S.No.36/2 ad-measuring to an extent of 3.60 acres owned by the petitioner by way of Settlement Deed dated 08.06.2016 registered vide Document No.4510/2016. While being so, on the request made by the 3rd respondent, the 1st and 2nd respondents have proposed to acquire large extent of land including subject land for the purpose of executing the Tindivanam-Thiruvannamalai New Broad Gauge Railway Scheme, during the year 2018. The notice was served by the 1st respondent dated 07.09.2018 under Section 3(2) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997, and during enquiry an objection was raised and written objection was also submitted on 10.05.2018. As per the second proviso to Section 4 of the Act, the owner of the land which was acquired, is entitled for payment of compensation as determined in accordance with the provisions of Section 7 of the Act. After enquiry held on 10.05.2018, no award has been passed and no compensation amount has been paid to the petitioner.

3. The 3rd respondent now constructed a bridge on the land of the petitioner. While pending the writ petition, the 3rd respondent issued notice to the 1st respondent dated 28.10.2021, stated as follows:-

"Further to the above cited letter, regarding compensation to be paid to the petitioner Smt.R.Tharana for her land in Survey No.36/2, Chinnaganganoor Village, Tiruvannamalai, wherein a bridge was constructed during the year 2015 for the canal 'Nalla' crossing over the waterway, it is hereby advised that payment of compensation may be made for the land already acquired with the balance available funds with the District Collector. In this connection it is advised that an amount of Rs.5.76 crore deposited for purpose of land acquisition in Tindivanam-Tiruvannamalai new line project during the year 2012 and 2016."

4. In view of the above, the 1st respondent is directed to determine the value of the land which was acquired from the petitioner and pass an award for disbursement of the compensation amount to the petitioner in accordance with law,



within a period of four weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

dm

To

1. The District Collector,
Collectorate, Thiruvannamalai,
Thiruvannamalai District.
2. The Special Thasildar (L.A)
Tindivanam - Thiruvannamalai,
New Broad Gauge Railway Scheme
Thiruvannamalai
Thiruvannamalai District.
3. The Deputy Chief Engineer,
Southern Railway,
Tindivanam - Thiruvannamalai,
New Broad Gauge Railway Scheme,
Tambaram,
Chennai - 600045.

+1cc to Mr.S.Udayakumar, Advocate, S.R.No.67268

+1cc to the Government Pleader, S.R.No.67967

W.P.No.8606 of 2021

RLD(CO)
RLP(07/01/2022)