



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 22..06..2021
CORAM

WEB COPY

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.9885 of 2021

P.Vijaya

... Petitioner

-Versus-

- 1.The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Housing and Urban Development,
Fort St. George, Chennai 600 009.
- 2.The Special Deputy Collector,
Office of the Special Deputy Collector,
Penulur, Sriperumbudur Taluk,
Kancheepuram District.
- 3.The Special Tahsildar (LA),
Office of the Special Tahsildar,
Nemili Scheme, SIPCOT,
Sriperumbudur.
- 4.The District Collector,
Office of the Collectorate,
Kancheepuram.

[4th respondent impleaded as per the order dated
22.06.2021 made in W.M.P.No.13624 of 2021]

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents 2 and 3 to consider the representations of the petitioner dated 15.02.2021 and 09.03.2021 and to refer the same for reference as per Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013 (Act 30 of 2013).

For Petitioner : Mr.M.Raja Sekhar

For Respondent(s) : Mr.K.M.D.Muhilan, GA
for RR1 to 3



ORDER

[This matter has been heard through video conference]

This writ petition has been filed seeking a direction to the respondents 2 and 3 to consider the representation of the petitioner dated 15.02.2021 and 09.03.2021 seeking to make a reference as per Section 64 of The Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013 (Act 30 of 2013).

2. The case of the petitioner is that he is the owner of the land situated in S.Nos.5/2, 5/3, 5/4, 229A, 21/1, 21/5 and 8/3 measuring to a total extent of 8 Acres and 9 Cents situated at Nemili Village, Sriperumbudur, Kancheepuram District. The said lands have been acquired for expansion of New SIPCOT Industrial Park, Mannur, Valarpuram, Nemili Scheme by the 1st respondent under the provisions of The Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1977 and thereafter, an award was also passed under the provisions of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, on 07.07.2020. But, no copy of the award was served on the petitioner and he came to know about the same, only after the compensation amount was deposited on 30.07.2020. He, therefore, made an application to the 4th respondent seeking to make a reference under Section 64 of The Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013 on 09.03.2021. The grievance of the petitioner is that his request for making reference for enhancement of compensation has not yet been considered by the 1st respondent Hence, this writ petition.

3. The learned counsel for the petitioner submitted that the petitioner came to know about the award only after the amount was deposited on 30.07.2020 and as contemplated under the Act, within a period of six months thereafter, he made an application to the District Collector seeking to make a reference under Section 64 of the Act, 2013. That apart, as per proviso to sub-section 2(b) of Section 64 The Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013, the District Collector has got power to condone the delay in filing the application seeking to make a reference, but, no action has been taken on the application made by the petitioner for making a reference and the District Collector has slept over the matter.

4. The learned Government Advocate, on the other hand, submitted that application for making reference under Section 64 The Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013 was made



belatedly and, therefore, the petitioner is required to file an appropriate affidavit explaining the delay occurred in filing the application, and in the event of filing of such affidavit, the District Collector is required to consider the same and, therefore, a suitable direction may be given to him to consider the request for condonation of delay in filing the application seeking to make a reference.

5. Considering the submissions made on either side, without going into the merits of the case, the petitioner is directed to file an affidavit before the 4th respondent explaining the reasons for the delay occurred in filing the application seeking for a reference under Section 64 The Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013, within a period of two weeks from the date of receipt of a copy of this order and in the event of filing such affidavit, the 4th respondent is directed to consider the same, after giving opportunity to the petitioner and pass suitable orders thereof on merits and in accordance with law within a period of six weeks thereafter. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

kmk

To

- 1.The Secretary to Government, Housing and Urban Development, Fort St. George, Chennai 600 009.
- 2.The Special Deputy Collector, Office of the Special Deputy Collector, Penulur, Sriperumbudur Taluk, Kancheepuram District.
- 3.The Special Tahsildar (LA), Office of the Special Tahsildar, Nemili Scheme, SIPCOT, Sriperumbudur, Kancheepuram District.
- 4.The District Collector, Office of the Collectorate, Kancheepuram.

+1cc to Mr.M.Raja Sekar, Advocate SR.No. 28851
+1 cc to Government Pleader Sr.No. 29031

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JPL(CO)
B.VC(22.07.2021)