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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2021

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THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

WRIT PETITION NO.14480 OF 2021

AND

W.M.P.NO.15364 OF 2021

S.Aravindaraj

... Petitioner

-Versus-

1. The District Collector,
Coimbatore.

2. The Sub Collector/Land Acquisition Officer,
Pollachi,
Coimbatore District.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 1st respondent herein to refer the reference application/petition filed by the petitioner on 01.02.2021 and received on 02.02.2021 under Section 64 r/w Section 51 of the The Right to Fair compensation and Transparency in land Acquisition Rehabilitation And Resettlement Act 2013 (Central Act 30 of 2013) as Amended therein with respect to the lands of the petitioner herein comprised in S.No.70A/2B (0.33.0 Ares), S.No.86A/2 (0.14.0 Ares), S.No.264A/2 (0.25.0 Ares) and in S.No.263/2 (0.22.5 Ares) of Kodangipalayam Village, Pollachi Taluk, Coimbatore District, that was the subject matter of acquisition, to the competent authority constituted under Section 51 of the Central Act 30 of 2013.

For Petitioner : Mr.D.Krishna Pradeep

For Respondent(s) : Mr.Yogesh Kannadasan,
Government Advocate
For RR1 & 2



ORDER

[This matter has been heard through video conference]

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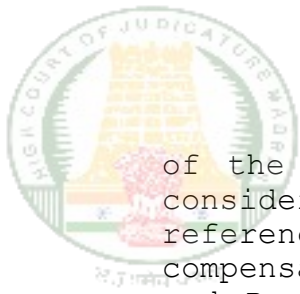
This writ petition has been filed seeking a direction to the 1st respondent herein to make a reference based on the application of the petitioner dated 01.02.2021 made under Section 64 r/w Section 51 of the The Right to Fair compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013, to the competent authority for enhancement of compensation for the land acquired from him.

2. The case of the petitioner is that his lands mentioned above were acquired by the Government for the purpose of expansion of railway line between Pothanur and Pollachi under the provisions of The Right to Fair compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 [in short, Act 30 of 2013] and a final Award was also passed on Nil.02.2020. A copy of the final award was handed over to him in person on 21.12.2020 under acknowledgment in the register. Thereafter, according to the petitioner, he made an application seeking reference under Section 64 r/w 51 of the Act, 2013, within the time prescribed under the law. The grievance of the petitioner is that his application for reference under Act 30 of 2013 for enhancement of compensation has not been considered by the 1st respondent till date. Hence, the present writ petition.

3. The learned counsel for the petitioner submitted that even though final Award was passed in February, 2020, a copy of the same was served on him only on 21.12.2020 under due acknowledgment. Thereafter, within the time prescribed under the Act, the petitioner made an application to the 1st respondent for reference, but, so far, no order has been passed by the 1st respondent. The petitioner would be satisfied if appropriate direction is issued to the 1st respondent to consider his representation and to make a reference of the application of the petitioner for enhancement of compensation.

4. The learned Government Advocate appearing for the respondents, on instructions, submitted that the application of the petitioner for reference would be considered by the 1st respondent as expeditiously as possible in accordance with law.

5. Considering the submissions made on either side and the fact that the application of the petitioner seeking to make a reference has been pending with the 1st respondent for quite long time, this court, without expressing anything on the merits



of the claim of the petitioner, directs the 1st respondent to consider the application of the petitioner seeking to make a reference Section 64 r/w Section 51 of the The Right to Fair compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 for enhancement of compensation for the land acquired from him on merits and in accordance with law and take an appropriate decision on the same within a period of twelve weeks from the date of receipt of a copy of this order. This writ petition is disposed of accordingly with the above directions. No costs. Consequently, connected WMP is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

kmk

To

1. The District Collector,
Coimbatore.
2. The Sub Collector/Land Acquisition Officer,
Pollachi, Coimbatore District.

+1cc to Mr.N.Damodaran, Advocate, S.R.No.35357
+1cc to the Government Pleader, S.R.No.35980

WRIT PETITION NO.14480 OF 2021

SR(CO)
PBS/24/08/2021