



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 28.09.2021
CORAM:

THE HON'BLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

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W.P.Nos.20657, 20667, 20684, 20703 & 20710 of 2021
and

W.M.P.Nos.21927, 21939, 21950, 21958 & 21964 of 2021

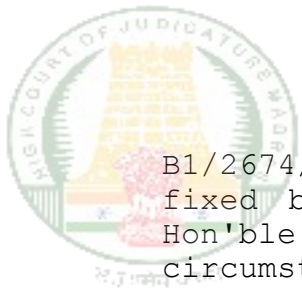
S.Vadamalai	... Petitioner in W.P.20657/2021
S.Sakthivel	... Petitioner in W.P.20667/2021
K.Chandrasekar	... Petitioner in W.P.20684/2021
C.Kannan	... Petitioner in W.P.20703/2021
P.Subramanian	... Petitioner in W.P.20710/2021

Versus

1. The District Collector/ Land Acquisition Officer,
(Project of Formation of New Broad Gauge Railway line
between Chinna Salem and Kallakurichi)
Kallakurichi, Kallakurichi District.
2. The Revenue Divisional Officer,
Kallakurichi,
Kallakurichi District.
3. The Special Tahsildar (L.A.)
Southern Railways,
Kallakurichi,
Kallakurichi District. ...Respondents in all WPs

WP No.20657 of 2021

For the reasons stated in the accompanying affidavit it is prays that this Hon'ble Court may be pleased to issue a writ or order or direction in the nature of writ of certiorarified Mandamus calling for the records pertaining to the impugned order in Na.Ka.A /09/2021 dated 06/05/2021 passed by the 3rd respondent and quash the same, consequently direct the 1st respondent to refer the request / reference application filed by the petitioner on 01/04/2021 under section 8 of Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997 (Tamil Nadu Act 10/1999) R/ W section 64 of Right to Fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 2013) with respect to the land of the petitioner herein comprised in Survey No.255 /1 B 0.40.5 hectares properties situated in Kaniyamur Village, Kallakurichi Taluk and Kallakurichi District in award No.05/2020 in Na.Ka.



B1/2674/2019 dated 30.09.2020 within a reasonable time be be fixed by this Hon'ble Court and pass further orders as this Hon'ble Court may be deem fit and proper in the facts and circumstances of this case and thus render Justice.

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WP No.20667 of 2021

Writ petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified Mandamus calling for the records pertaining to the impugned order in Na.Ka.A /09/2021 dated 06/05/2021 passed by the 3rd respondent and quash the same, consequently direct the 1st respondent to refer the request / reference application filed by the petitioner on 01/04/2021 under section 8 of Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997 (Tamil Nadu Act 10/1999 R/ W Section 64 of Right to Fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 2013) with respect to the land of the petitioner herein comprised in Survey No.252 / 3A 252/ 4A, 252 /B and 253 /18A Totally 0.32.5. hectares properties situated in Kaniyamur Village, Kallakurichi Taluk and Kallakurichi District in award No.05/2020 in Na.Ka. B1/2674/2019 dated 30.09.2020 within a reasonable time be be fixed by this Hon'ble Court.

WP No.20684 of 2021

For the reasons stated in the accompanying affidavit it is prays that this Hon'ble Court may be pleased to issue a writ or order or direction in the nature of writ of certiorarified Mandamus calling for the records pertaining to the impugned order in Na.Ka.A /09/2021 dated 06/05/2021 passed by the 3rd respondent and quash the same, consequently direct the 1st respondent to refer the request / reference application filed by the petitioner on 01/04/2021 under section 8 of Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997 (Tamil Nadu Act 10/1999 R/ W Section 64 of Right to Fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 2013) with respect to the land of the petitioner herein comprised in Survey No.250 / 1A2, 250 / 2A2, 251 /5A2 and 249 / 3 B totally 0.34.5 hectares properties situated in Kaniyamur Village, Kallakurichi Taluk and Kallakurichi District in award No.05/2020 in Na.Ka. B1/2674/2019 dated 30.09.2020 within a reasonable time be be fixed by this Hon'ble Court and pass further orders as this Hon'ble Court may be deem fit and proper in the facts and circumstances of this case and thus render Justice.

WP No.20703 of 2021

Direction in the nature of writ of certiorarified Mandamus calling for the records pertaining to the impugned order in Na.Ka.A /09/2021 dated 06/05/2021 passed by the 3rd respondent and quash the same, consequently direct the 1st respondent to



refer the request / reference application filed by the petitioner on 01/04/2021 under section 8 of Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997 (Tamil Nadu Act 10/1999 R/ W Section 64 of Right to Fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 2013) with respect to the land of the petitioner herein comprised in Survey Nos.71/4 E2, 71 /4F2, 71/4G1/ and 71 /71 / 7 B Totally 0.27.5 hectares properties situated in Vinaitheerthapuram Village, Kallakurichi Taluk and Kallakurichi District in award No.04/2020 in Na.Ka. B1/2674/2019 dated 26.09.2020 within a reasonable time be fixed by this Hon'ble Court and pass further orders as this Hon'ble Court may be deem fit and proper in the facts and circumstances of this case and thus render Justice.

WP No.20710 of 2021

For the reasons stated in the accompanying affidavit it is prays that this Hon'ble Court may be pleased to issue a writ or order or direction in the nature of writ of certiorarified Mandamus calling for the records pertaining to the impugned order in Na.Ka.A /09/2021 dated 06/05/2021 passed by the 3rd respondent and quash the same, consequently direct the 1st respondent to refer the request / reference application filed by the petitioner on 01/04/2021 under section 8 of Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997 (Tamil Nadu Act 10/1999 R/ W Section 64 of Right to Fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 2013) with respect to the land of the petitioner herein comprised in Survey Nos.122 / 1B1, 123 / 4B, 123 /5B, 130 / 1B2 and 130 / 7 Totally 0.24.5 hectares properties situated in Propadakurichi Village, Kallakurichi Taluk and Kallakurichi District in award No.04/2020 in Na.Ka. B1/2674/2019 dated 26.09.2020 within a reasonable time be fixed by this Hon'ble Court and pass further orders as this Hon'ble Court may be deem fit and proper in the facts and circumstances of this case and thus render Justice.

In all Writ Petitions : -

For Petitioners : Mr.P.Rajavel

For Respondents : Mr.V.Veluchamy
Government Advocate.

COMMON ORDER

Mr.V.Veluchamy, learned Government Advocate takes notice on behalf of the respondents. By consent, these writ petitions are taken up for final disposal at the admission stage itself.



2. These writ petitions have been filed challenging the impugned order in Na.Ka.A/09/2021, dated 06.05.2021 passed by the third respondent/Special Tahsildar and for consequential direction to the first respondent to refer the application filed by the petitioners on 01.04.2021 under Section 8 of Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997 (Tamil Nadu Act 10/1999) read with Section 64 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013) with respect to the land of the petitioners herein comprised in S.No.255/1B measuring 0.40.5 hectares in respect of WP.No.20657/2021; S.Nos.252/3A, 252/4A, 252/6B and 253/18A measuring totally 0.32.5 hectares in respect of WP.No.20667/2021; S.Nos.250/1A2, 250/2A2, 251/5A2 and 249/3B measuring 0.34.5 hectares of properties in respect of WP.No.20684/2021 situated in Kaniyamur Village, Kallakurichi Taluk and District; in S.Nos.71/4E2, 71/4F2, 71/4G1 and 71/7B measuring totally 0.27.5 in respect of WP.No.20703/2021 hectares of properties situated at Vinaitheerthapuram Village, Kallakurichi Taluk and Kallakurichi District and in Survey Nos.122/1B1, 123/4B, 123/5B, 130/1B2 and 130/7 measuring totally 0.24.5 hectares of properties in respect of W.P.No.20710/2021 situated at Porpadakurichi Village, Kallakurichi Taluk and District in Award No.01/2020 in Na.Ka.B1/2674/2019, dated 31.03.2020 respectively, within a reasonable time to be fixed by this Court.

3. The petitioners are the absolute owners of the aforesaid properties. On the request of the requisition Body to acquire lands for formation of New Broad Gauge Railway line between Chinna Salem and Kallakurichi, the first respondent/Collector/Land Acquisition Officer sent a proposal through the Government for acquisition of the land measuring to a total extent of 12.15.5 hectares of wet lands, in which the petitioners' properties are also covered. Based on the said proposal, the State Government passed a Government Order in G.O. (Ms).No.111, Transport (1.1) Department dated 12.06.2012 under the provision of Section 17(2) of Land Acquisition Act, 1894, (Central Act 1/1894). By a Government Order in G.O.(Ms).No.45, Industries (SIPCOT-LA) Department, dated 14.05.2014, the State Government clarified that acquisition under Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997 (Tamil Nadu 10/1999) attracts compensation under the provisions of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-Settlement Act, 2013 (Central Act No.30/2013). Subsequently, the 3rd respondent issued a notice dated 03.03.2018 under Section 7(2) of Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997. Thereafter, the petitioners have submitted their objections. The first



respondent/District Collector issued notice dated 03.03.2018 and 12.09.2018 under Section 7(5) of Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997. Pursuant to the said acquisition, no opportunity was granted to the petitioners before passing the award. However, the compensation was determined as per Section 7 of the Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997 vide proceedings in Na.Ka.No.B1/2674/2019 by Award Nos.01 dated 31.03.2020; 04/2020 dated 26.09.2020 and 05/2020 dated 30.09.2020 (for three petitioners), as per Sections 26 to 30 Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. As per G.O.Ms.No.369, Revenue and Disaster Management Department (Land Administrative Section Ni.A1(1), dated 21.07.2020, for the Well attached with agricultural land, separate award will be passed. Pursuant to the aforesaid Act, the market value of the land has to be determined as per Section 26 of the Central Act by adopting 2 multiplier as per schedule I of the Act. The 1st respondent has adopted 1.25 multiplier which is contrary to the intention and to the object of the Act 30 of 2013. Furthermore, the average market value for the land fixed by the first respondent does not reflect in the award and the quantum of compensation is not satisfied by them without prejudice to their right to seek for enhancing the compensation. Aggrieved over the same, the petitioners made applications to the first respondent/District Collector and the same was referred to the Competent Authority for redetermination of the compensation and the same was rejected by order dated 06.05.2021 in Na.Ka.A/09/2021 by the third respondent. Aggrieved by the same, the petitioners have approached this Court seeking for appropriate relief.

4. The petitioners submit that the 1st respondent is the competent authority to refer the matter to the court in respect of the issue of determining the amount. Without considering the same, the first respondent has passed the orders impugned in these writ petitions. Section 64(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013) reads as under:-

"Any person interested who has not accepted the award may by written application to the Collector, require that the matter be referred by the Collector for the determination of the Authority, as the case may be, whether his objection be to the measurement of the land, the amount of the compensation, the person to whom it is payable, the right of Rehabilitation and Resettlement Act, 2013 under chapters V and VI or the apportionment of the compensation among the persons interested;



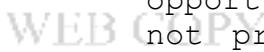
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provided that the Collector shall, within a period of thirty days from the date of receipt of application, make a reference to the appropriate Authority."

5. Following the same, the petitioners herein have sent a letter dated 01.04.2021 to the authorities seeking for enhancement of compensation. As per the order of the Hon'ble Apex Court in *Suo Motu W.P.(Civil).No.3 of 2020*, dated 08.03.2021, due to the COVID-19 pandemic, the Hon'ble Apex Court took suo motu cognizance of the situation arising from difficulties that might be faced by the litigants across the country in filing petitions/applications/appeals, all other proceedings within the period of limitation or prescribed under General Law of Limitation or under any Special Laws (both Central or State).

6. The petitioners further submit that the average market value for the land as fixed by the first respondent does not reflect in the Award and Quantum of compensation. Aggrieved by the said order, the petitioners have filed petitions on 01.04.2021 and the same have to be referred by the the first respondent to the competent Court as per Section 26 to 30 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013). The award should also disclose the application of mind of the competent authority as to how he came to the conclusion regarding the market value of the property and documents to be perused while fixing the compensation. The said authority has not passed any order and hence, the first respondent should be directed to refer the matter to the competent court and the third respondent has also directed the petitioners to approach the competent court on their own.

7. The petitioners also refers to various orders of this court wherein, it is seen that the court have directed the authorities concerned to refer the matter to the court. Hence, in the said order of the said authority, they only state that after getting the award, they should approach the competent court in sixty days and directed the petitioners to approach the court which is as per the Section 26 to 30 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013). The competent authority has to follow certain procedures prescribed under the Act, if no procedure is followed, the award can be held as invalid, illegal and void. The first respondent herein has passed an award in which it is seen that on 13.03.2018 representation was sent to the respondent under Section 7(2) of



8. It is also seen that the said authority has not given any opportunity to them and some persons who have appeared also did not produce any relevant proof for fixing the amount as high amount fixed by the Collector and many of them have received the amount with protest and the said authority has considered the land documents belonging to the owners and also the encumbrances, enquired the Village Administrative Officer and passed order fixing the compensation amount. As no proper reasons have been given by the authorities concerned for fixing the same, the petitioners, who are the land owners, whose land have been acquired by the respondents for public purpose under Section 8 of Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997 (Tamil Nadu Act 10/1999), have approached this Court in respect of the compensation to be determined and paid to the petitioners. The petitioners were not given any opportunity and the authority has not given any reason for fixing the compensation and the petitioners are not satisfied with the quantum of the compensation. The petitioners herein sent representation dated 01.04.2021 seeking enhancement of compensation and referring the matter to the competent court. The petitioners have filed this petition for referring the matter by the District Collector to the competent court to take decision with regard to the enhancement of the compensation.

<https://hcservices.ecourts.gov.in/hcservices/>



10. Having regard to the limited scope of the prayer that is now sought for in this writ petition before this Court and taking into account the submissions made on either side, without expressing any opinion on the merits of the petitioners' representation or the case pleaded by the petitioners in the present writ petitions, the Writ Petitions are disposed of, with a direction to the 1st respondent to consider the petitioners' representation and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioners and necessary parties concerned within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS IV)

True Copy//

Sub Assistant Registrar

gba

To

1. The District Collector/ Land Acquisition Officer,
(Project of Formation of New Broad Gauge Railway line
between Chinna Salem and Kallakurichi)
Kallakurichi, Kallakurichi District.
2. The Revenue Divisional Officer,
Kallakurichi, Kallakurichi District.
3. The Special Tahsildar (L.A.)
Southern Railways, Kallakurichi,
Kallakurichi District.

+5ccs to Mr.P.Rajavel, Advocate, S.R.No.49980

W.P.Nos.20657,20667, 20684,
20710 and 20703 of 2021

PM[co]
NSK 29/12/2021