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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2021

CORAM

THE HON'BLE Mr. JUSTICE G.K.ILANTHIRAIYAN

WP.No.24996 of 2021

1.T.Thavamani
2.Rajamani
Petitioners

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Vs

1.The District Collector,
Office of the District Collectorate,
Thummankurichi,
Tiruchengodu Road,
Namakkal.

2.The Land Acquisition Officer,
District Revenue Officer,
Namakkal Bye-pass Road Scheme,
Office of the District Collectorate,
Thummankurichi,
Tiruchengodu Road,
Namakkal.

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Respondents

Prayer :-

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents herein to refer the matter to the Sub Court, Namakkal under Section 20 of the Tamilnadu Highways Act, 2001 for determining the amount of compensation payable to the petitioners herein in respect of their 2/3 shares in lands comprised in survey Nos.203/1, 203/3B and 204/3 situated at Veesanam Village, Namakkal Taluk which were acquired by the second respondent herein for the purpose of formation of bypass road in Namakkal Town as per the Award dated 29.01.2021 passed by the second respondent vide Award No.7/2020-2021 in Roc.413/2016/H7 by considering the petitioners' representation dated 18.10.2021.



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For Petitioners : Mr.S.Senthil

For Respondents : Mr.A.Selvendran,
Special Government

Pleader

ORDER

This writ petition has been filed to issue a writ of mandamus directing the respondents herein to refer the matter to the Sub Court, Namakkal under Section 20 of the Tamilnadu Highways Act, 2001 for determining the amount of compensation payable to the petitioners herein in respect of their 2/3 shares in lands comprised in survey Nos.203/1, 203/3B and 204/3 situated at Veesanam Village, Namakkal Taluk which were acquired by the second respondent herein for the purpose of formation of bypass road in Namakkal Town as per the Award dated 29.01.2021 passed by the second respondent vide Award No.7/2020-2021 in Roc.413/2016/H7 by considering the petitioners' representation dated 18.10.2021.

2.The father of the petitioners owned the above property. After his demise, the petitioners and their brother are entitled to have 1/3 share as legal heirs. While being so, the land comprised in survey Nos.203/1, 203/3B and 204/3 situated at Veesanam Village, Namakkal to an extent of 1679 sq.mtrs acquired by the second respondent for the purpose of formation of bypass road in Namakkal Town under the Tamilnadu Highways Act, 2001. Notification was issued under Section 15(2) of the said Act and the same was published on 24.03.2017. Thereafter, notified the acquisition proceedings under Section 15(1) of the said Act on 27.04.2018. The petitioners and their brother Vetrivel were issued notice under Section 19(2) of the Tamilnadu Highways Act, 2001 for award enquiry to be conducted on 30.06.2018 before the second respondent. Accordingly, the petitioners and their brother appeared before the second respondent for enquiry and requested to divide the compensation amount into three shares and pay the same equally. The second respondent passed award on 29.01.2021 in award No.7 of 2020-2021 for the subject land and disbursed the entire compensation amount of Rs.10,02,419/- to their brother without disbursing any share to the petitioners. However, the petitioners made request to the second respondent to refer the matter for enhancing the award amount on 18.10.2021. However, the second respondent did not refer the



same and kept the same pending.

3. Though the petitioners were not paid compensation for their respective shares, the petitioners were served with notice under Section 19(2) of the said Act for award enquiry and they are entitled to refer the award for enhancement. Considering the same, the second respondent may be directed to refer the award dated 29.01.2021 as contemplated under Section 20 of the Tamilnadu Highways Act, 2001. Though the Act provides only 60 days for reference from the date of award, due to Covid pandemic circumstances, the petitioners could not able to make application in time. Therefore, the second respondent is directed to refer the award for enhancement in the manner known to law within a period of two weeks from the date of receipt of copy of this order.

4. With the above direction, this writ petition is disposed of. No order as to costs.

SD/-

ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

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To

1. The District Collector,
Office of the District Collectorate,
Thummarkurichi,
Tiruchengodu Road,
Namakkal.

2. The Land Acquisition Officer,
District Revenue Officer,
Namakkal Bye-pass Road Scheme,
Office of the District Collectorate,
Thummarkurichi,
Tiruchengodu Road,
Namakkal.

+1cc to Mr.S.Senthil, Advocate Sr.60577

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nr[co]
srg 03/12/2021