



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.10.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD).No.18338 of 2021

WEB COPY

K.Subramanian

... Petitioner

Vs.

1.The District Collector,
Thanjavur.

2.The Special District Revenue Officer,
Chennai-Kanniyakumari Industrial Corridor Project,
Kumbakonam.

3.The Special Tahsildar,
Chennai-Kanniyakumari Industrial Corridor Project,
Mannargudi. ... Respondents

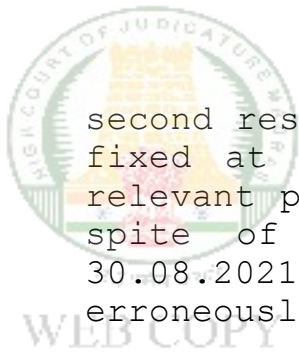
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned proceedings த.ப.எண்.124/2021/அ5 dated 03.09.2021 on the file of the second respondent and quash the same as arbitrary, illegal and without jurisdiction and consequently to direct the first respondent to entertain the application of the petitioner and make reference to the appropriate authority as per sections 64 and 65 of the Act 30 of 2013.

For Petitioner : Mr.H.Lakshmi Shankar
For Respondents : Mr.P.Subbaraj
Counsel for State

ORDER

The petitioner assails an order dated 03.09.2021 of the second respondent by which the claim for enhanced compensation was rejected as time barred.

2.The petitioner states that he was the owner of the property located in S.No.440/2B. The said property was acquired for a State Highways Project pursuant to a notification dated 26.08.2013. According to the petitioner, he did not receive notice in relation to such acquisition on account of the fact that he was not residing at the relevant property. Upon coming to know of the acquisition, he submitted an application dated 16.04.2021 to the



second respondent. The petitioner states that the compensation was fixed at Rs.30.09 per sq.mtr, whereas the market value of the relevant property is about Rs.3,205/- per sq.mtr. In spite of seeking enhanced compensation by application dated 30.08.2021, the petitioner asserts that such application was erroneously rejected by citing Section 64(2) of Act 30 of 2013.

3.In specific, the petitioner's contention is that the second proviso of Section 64(2) enables condonation of delay in entertaining an application beyond the period specified in the first proviso if sufficient cause is established.

4.Mr.P.Subbaraj, learned counsel for the State, accepts notice for all the respondents. He submits that the authority concerned may be directed to reconsider the matter after taking into account the second proviso to Section 64(2) of Act 30 of 2013.

5.Upon perusal of the impugned order, it is evident that the petitioner's application for enhanced compensation was rejected by citing Section 64(2) of Act 30 of 2013. By such impugned order, the petitioner was informed that the request should have been made within a period of six (6) weeks before the second respondent. However, as correctly pointed out by the petitioner, the second proviso to Section 64(2) has not been taken into account.

6.For reasons set out above, the impugned order is not sustainable and is hereby quashed. As a corollary, the matter is remitted for reconsideration either by the first respondent or, in case the authority under the second proviso to Section 64(2) has been delegated to the second respondent, the second respondent. The petitioner is permitted to file an affidavit explaining the reasons for delay before the authority concerned. The first and second respondents are directed to reconsider the matter by taking into account the power contained in the second proviso to section 64(2) of Act 30 of 2013. Upon such reconsideration, a reasoned order shall be issued within a period of two (2) months from the date of receipt of a copy of this order.

7.W.P(MD).No.18338 of 2021 is disposed of on these terms without any order as to costs.

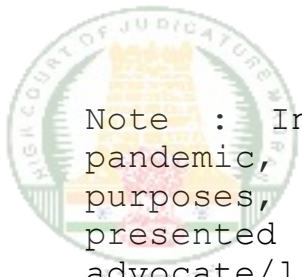
Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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+1 CC to M/s.SPL.GP (SR-32074[F] dated 21/10/2021)

+1 CC to M/s.H. LAKSHMI SHANKAR, Advocate (SR-32042[F] dated 20/10/2021)

W.P (MD) .No.18338 of 2021
20.10.2021

RK/PM (02/11/2021) 3P 6C