



WEB COPY

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.19029 OF 2015

AND

M.P.NO.1 OF 2015

Madharasa Dhawoothiya Arabic
College Trust Rep by its president,
K.K.S.A.Sheik Mohideen,
107, Bhavani Main Road,
B.p.Agraharam, Erode 638 005.

...Petitioner

Versus

1.The Land Acquisition Officer
and District Revenue Officer,
Collectorate Building,
Erode 638 011.

2.The District Collector,
Erode District,
Erode 638 011.

3.The Divisional Engineer,
(Highways) Projects,
Erode.

...Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorarified Mandamus Calling for the records pertaining to the order in Na.Ka.No.65308/2010/A1 dt 6.4.2015 passed by the 1st respondent herein quash the same and consequently direct the respondents to fix the fair and just compensation under The Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013 in respect of 2231 3/4 sq.ft. bearing T.S.No.73 Erode Town Erode District by considering the petitioners representation dt 24.2.2015.

For Petitioner : Mr.N.Manokaran

For Respondents : Mr.P.Sathish, AGP



O R D E R

The petitioner has filed this writ petition seeking to quash the order in Na.Ka.No.65308/2010/A1, dt 6.4.2015 passed by the 1st respondent herein and consequently, direct the respondents to fix the fair and just compensation under The Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013 in respect of 2231 3/4 sq.ft. bearing T.S. No.73, Erode Town, Erode District by considering the petitioners representation dt 24.2.2015.

2. The facts of the case are as follows:

The petitioner trust is the owner of the subject property measuring about 2231 $\frac{3}{4}$ sq. ft. comprised in T.S.No.73 situated at Erode Town.

3. It is the further case of the petitioner that the above said property was acquired for formation of roundana at Erode-Perundurai-Kangayam Road. After completing necessary formalities, award has been passed on 31.12.2013. The possession was taken from the petitioner Trust, but the compensation amount has not been paid. In the meanwhile, the petitioner made a representation to the first respondent on 20.02.2014 to fix a fair compensation for the acquired land and the same was not considered by the respondents. Therefore, Challenging the said award, the petitioner has filed a writ petition in W.P.No.33683 of 2014 to quash the award passed by the first respondent. This Court, vide its order dated 18.12.2014, directed the first respondent to consider the representation dated 20.02.2014 and pass orders on merits and in accordance with law. Pursuant to which, the present impugned order dated 06.04.2015, has been passed by rejecting the petitioner's request. Challenging the said order of the first respondent, the present writ petition has been filed to quash the same and consequently, direct the first respondent to fix the fair compensation.

4. The learned counsel for the petitioner submitted that during pendency of this petition, the matter was referred to the jurisdictional civil Court for the payment of fair compensation in terms of Section 20 of the Highways Act and the same is pending. Therefore, this Court may permit the petitioner to canvas all the points before the competent civil court.

5. The learned Additional Government Pleader appearing for the respondents have no objection for the contention raised by the learned counsel for the petitioner.

6. Heard the learned counsel for the petitioner, the learned Additional Government Pleader appearing on behalf of the Government and perused the materials available on record.



7. In view of the submissions made by the learned counsel for the petitioner, this Court, without interfering with the impugned order, permits the petitioner to canvas all the points before the court, where the LAOP is pending, for getting appropriate compensation.

8. With the above directions, this Writ Petition is disposed of. No costs. However, liberty is granted to the petitioner to work out his remedy in the manner known to law. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VII)

// True Copy //

Sub Assistant Registrar

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To

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and District Revenue Officer,
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Erode 638 011.

2.The District Collector,
Erode District,
Erode 638 011.

3.The Divisional Engineer,
(Highways) Projects,
Erode.

+1cc to M/s.N.Manokaran, Advocate Sr.No.34742

+1cc to the Government Pleader Sr.No.34894

W.P.No.19029 of 2015

SN(CO)
RVM(01/07/2022)