



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2022

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.6492, 6494, 6495, 6496, 6497, 6498,
6499, 6500, 6501, 6503, 6504 and 6506 of 2022

A.CHINNADURAI	...PETITIONER in WP No.6492 of 2022
R.RAMESH KUMAR	...PETITIONER in WP No.6494 of 2022
G.BALAKRISHNAN	...PETITIONER in WP No.6495 of 2022
M.MANIKAM	...PETITIONER in WP No.6496 of 2022
T. ARIVAZHAGAN	...PETITIONER in WP No.6497 of 2022
R.SATHISH KUMAR	...PETITIONER in WP No.6498 of 2022
V.KARTHIKEYAN	...PETITIONER in WP No.6499 of 2022
DHANAKOODI AMMAL	...PETITIONER in WP No.6500 of 2022
V.LAKSHMANAN	...PETITIONER in WP No.6501 of 2022
M.ANITHA	...PETITIONER in WP No.6503 of 2022
K.MUTHUSAMY	...PETITIONER in WP No.6504 of 2022
D.SHANKAR	...PETITIONER in WP No.6506 of 2022

Vs.

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 Special Tahsildar (Land Acquisition),
Southern Railways,
Kallakurichi,
Kallakurichi District.
- ...Respondents in all WP's

Prayer in W.P.No.6492 of 2022:Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, direct the 1st respondent to refer the request/



reference application submitted by the petitioner on 30.12.2021 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 of 2013) with respect to the land of the petitioner herein comprised in Survey No.38/2A2 0.05.5 hectares properties situated at Emapper Village, Kallakurichi Taluk and Kallakurichi District in Award No.06/2021 in Na.Ka.AA1/2674/2019 dated 24.09.2021 within a reasonable time to be fixed by this Hon'ble Court.

Prayer in W.P.No.6494 of 2022: Writ Petition filed under Article 226 of the Constitution of India Direct the 1st Respondent to refer the request/reference application submitted by the petitioner on 30.12.2021 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 Refhabilitation and Resettlement Act 2013 (Act 30 of 2013) with respect to the land of the petitioner herein comprised in Survey No.69/4B-0.19.0 and 70/3B-0.005 hectares properties situated at Emapper village Kallakurichi Taluk and Kallakurichi District in award No.06/2021 in Na.Ka.AA1/2674/2019 dated 24.09.2021 within a reasonable time to be fixed by this Honble court

Prayer in W.P.No.6495 of 2022: Writ Petition filed under Article 226 of the Constitution of India Direct the 1st Respondent to refer the request/reference application submitted by the petitioner on 31.12.2021 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 of 2013) with respect to the land of the petitioner herein comprised in Survey No.75/9B 0.01.0 and 75/10B 0.09.5 hectares properties situated at Emapper village Kallakurichi Taluk and Kallakurichi District in award No.06/2021 in Na.Ka.AA1/2674/2019 dated 24.09.2021 within a reasonable time to be fixed by this Honble court

Prayer in W.P.No.6496 of 2022 and W.P.No.6497 of 2022 and W.P.No.6503 of 2022: Writ Petition filed under Article 226 of the Constitution of India Direct the 1st Respondent to refer the request / reference application submitted by the petitioner on 12.11.2021 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 of 2013) with respect to the land of the petitioner herein comprised in Survey No.76/2B1B 0.01.5 hectares properties



situated at Emapper village Kallakurichi Taluk and Kallakurichi District in award No.06/2021 in Na.Ka.AA1/2674/2019 dated 24.09.2021 within a reasonable time to be fixed by this Honble court

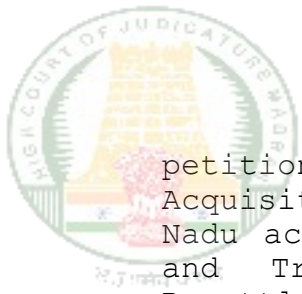
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Prayer in W.P.No.6498 of 2022: Writ Petition filed under Article 226 of the Constitution of India Direct the 1st Respondent to refer the request/reference application submitted by the petitioner on 30.12.2021 Under section 8 of Tamil Nadu Acquisition 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 of 2013) with respect to the land of the petitioner herein comprised in Survey No.69/4B - 0.19.0 and 70/3B-0.00.5 hectares properties situated at Emapper village Kallakurichi Taluk and Kallakurichi District in award No.06/2021 in Na.Ka.AA1/2674/2019 dated 24.09.2021 within a reasonable time to be fixed by this Honble court

Prayer in W.P.No.6499 of 2022: Writ Petition filed under Article 226 of the Constitution of India Direct the 1st Respondent to refer the request/reference application submitted by the petitioner on 29.12.2021 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 of 2013) with respect to the land of the petitioner herein comprised in Survey No.38/1A2 0.08.5 hectares properties situated at Emapper village Kallakurichi Taluk and Kallakurichi District in award No.06/2021 in Na.Ka.AA1/2674/2019 dated 24.09.2021 within a reasonable time to be fixed by this Honble court

Prayer in W.P.No.6500 of 2022: Writ Petition filed under Article 226 of the Constitution of India Direct the 1st Respondent to refer the request / reference application submitted by the petitioner on 29.12.2021 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 of 2013) with respect to the land of the petitioner herein comprised in Survey No.47/1B2 0.05.5 and 47/3B 0.03.5 hectares properties situated at Emapper village Kallakurichi Taluk and Kallakurichi District in award No.06/2021 in Na.Ka.AA1/2674/2019 dated 24.09.2021 within a reasonable time to be fixed by this Honble court

Prayer in W.P.No.6501 of 2022: Writ Petition filed under Article 226 of the Constitution of India Direct the 1st Respondent to refer the request/reference application submitted by the



petitioner on 16.11.2021 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 of 2013) with respect to the land of the petitioner herein comprised in Survey No.65/1A 0.05.5 hectares properties situated at Emapper Village Kallakurichi Taluk and Kallakurichi District in award No.06/2021 in Na.Ka.AA1/2674/2019 dated 24.09.2021 within a reasonable time to be fixed by this Honourable Court

Prayer in W.P.No.6504 of 2022: Writ Petition filed under Article 226 of the Constitution of India Direct the 1st Respondent to refer the request / reference application submitted by the petitioner on 29.12.2021 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 of 2013) with respect to the land of the petitioner herein comprised in Survey No.67/7A-0.00.5, 67/17A-0.09.5, 67/15B-0.05.0 and 67/16B-0.02.0 hectares properties situated at Emapper village Kallakurichi Taluk and Kallakurichi District in award No.06/2021 in Na.Ka.AA1/2674/2019 dated 24.09.2021 within a reasonable time to be fixed by this court.

Prayer in W.P.No.6506 of 2022: Writ Petition filed under Article 226 of the Constitution of India Direct the 1st Respondent to refer the request/reference application submitted by the petitioner on 05.01.2022 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 of 2013) with respect to the land of the petitioner herein comprised in Survey No.70/7B - 0.00.5, 70/8B- 0.07.5, 70/10A-0.01.5, 70/11-A-0.00.5 and 70/9B-0.09.5 hectares properties situated at Emapper Village Kallakurichi Taluk and Kallakurichi District in award No.06/2021 in Na.Ka.AA1/2674/2019 dated 24.09.2021 within a reasonable time to be fixed by this court.

For Petitioners : Mr.C.Mahendran
(in all W.P's)

For Respondents : Mr.P.Sathish
(in all W.P's) Additional Government Pleader



C O M M O N O R D E R

As the issue involved in all these Writ petitions is one and the same, they are disposed of by way of this common order.

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2.The petitioners have filed these Writ Petitions seeking for issuance of a Writ of Mandamus to direct the 1st respondent to refer the petitioners' applications under Section 8 of the Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997 (Tamil Nadu Act 10/1999) read with Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013) with respect to their lands in Award No.06/2021 in Na.Ka.AA1/2674/2019 dated 24.09.2021, within a reasonable time to be fixed by this Court.

3.Learned Additional Government Pleader takes notice on behalf of the respondents. In view of the consent expressed by the learned counsel appearing on either side, these writ petitions are taken up for final disposal.

4.The case of the petitioners is that the petitioners' lands were acquired for the purpose of formation of New Broad Gauge Railway line, under the Tamil Nadu Acquisition of Lands for Industrial purposes Act, 1997 (hereinafter referred as 'Act') after following due process of law. Thereafter, an Award was passed in terms of Section 7 of the Act in Award No.06/ 2021 in Na.Ka.AA1/ 2674/ 2019, dated 24.09.2021 and also as per Sections 26 to 30 Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. However, the said award was communicated to the petitioners belatedly. Immediately thereafter, the petitioners made applications before the 1st respondent in terms of Section 8 of the Act read with Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, to refer the matter to the appropriate authority/competent Court for re-determination of the Compensation amount. However, till date, no orders have been passed on the same. Hence, these writ petitions are filed with the above said prayers.

5.The learned counsel for the petitioners submitted that, though the petitioners have made applications before the 1st respondent in terms of Section 8 of the Act read with Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, within a period of 60 days from the date of receipt of the decision of the District Collector, to refer the matter to the appropriate authority / competent Court for re-determination of the compensation, however, the same has not been done. Further, it is the duty of the District Collector to furnish the copy of the



decision to the land owners free of cost. However, the said decision was received by the petitioners belatedly and they did not know the decision taken by the District Collector. When, the petitioners came to know about the decision of the District Collector, immediately they made applications before the 1st respondent. Hence, he prayed for appropriate orders.

6.The learned Additional Government Pleader appearing on behalf of the respondents submitted that the District Collector has taken decision on 24.09.2021, however the petitioners / land owners filed applications belatedly after 60 days and hence, the prayer sought for by the petitioners in these Writ petitions cannot be acceded to. Accordingly, he prayed for dismissal of these Writ petitions.

7.Heard the arguments advanced by the learned counsel on either side and perused the materials available on record.

8.Admittedly, the petitioners lands were acquired under the Tamil Nadu Acquisition of Lands for Industrial purposes Act, 1997 and Award was passed in Award No.06/ 2021 in Na.Ka.AA1/ 2674/ 2019, dated 24.09.2021. The issue that arises in these cases is as to the date which is to be reckoned for computing the 60 days period.

9.The reference is sought for under section 8 of the Act and for better appreciation the relevant sections which have a bearing on the issue are extracted hereunder :-

8. Reference to Court. -

(1)Any person aggrieved by the decision of the Collector or the officer to whom the case was transferred, determining the amount may, within sixty days from the date of such decision, in so far as it affects him by application to the Collector or the officer to whom the case was transferred, require that the matter be referred by him for the determination of the Court as defined in the Land Acquisition Act, 1894 (Central Act I of 1894) and when any such application is made, the provisions of Part III of the said Act shall mutatis mutandis apply to further proceedings in respect thereof.

(2)The decisions of the Court on such reference and subject only to such decision, the decision of the Collector determining the amount, shall be final.

Section 9 of Land Acquisition Act 1894

"Notice to persons interested"



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him:

[Provided that no award shall be made by the Collector under this sub-section without the previous approval of the appropriate Government or of such officer as the appropriate Government may authorise in this behalf: Provided further that it shall be competent for the appropriate Government to direct that the Collector may make such award without such approval in such class of cases as the appropriate Government may specify in this behalf.]

[(2) Notwithstanding anything contained in sub-section (1), if at any stage of the proceedings, the Collector is satisfied that all the persons interested in the land who appeared before him have agreed in writing on the matters to be included in the award of the Collector in the form prescribed by rules made by the appropriate Government, he may, without making further enquiry, make an award according to the terms of such agreement.

(3) The determination of compensation for any land under sub-section (2) shall not, in any way affect the determination of compensation in respect of other lands in the same locality or elsewhere in accordance with the other provisions of this Act.

(4) Notwithstanding anything contained in the Registration Act, 1908 (16 of 1908), no agreement made under sub-section (2) shall be liable to registration under that Act.] State Amendments Andhra Pradesh. In its application in the acquisition of any land in the project area for a project purpose as defined in Nagarjunasagar Project (Acquisition of Land) Act, 1956, for section 11, substitute the following section, namely:

Section 64 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013

Reference to Authority.

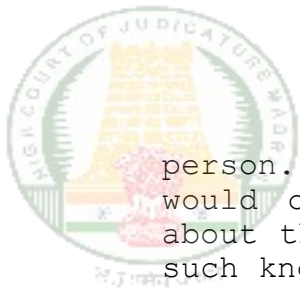
(1) Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Authority, as the case may be, whether his objection be to the measurement of the land, the amount of the compensation, the person to whom it is payable, the rights of Rehabilitation and Resettlement under Chapters V and VI or the apportionment of the compensation among the persons interested: 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: Provided further that where



(2) The application shall state the grounds on which objection to the award is taken: Provided that every such application shall be made— (a) person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collectors award; (b) in other cases, within six weeks of the receipt of the notice from the Collector under section 21, or within six months from the date of the Collectors award, whichever period shall first expire: Provided further that the Collector may entertain an application after the expiry of the said period, within a further period of one year, if he is satisfied that there was sufficient cause for not filing it within the period specified in the first proviso.

11. The issue, as pointed out above, pertains to the date from which the 60 days period is to be computed for the purpose of referring the matter to Court. Section 8 of the Act provides that any person aggrieved by the decision of the Collector or the officer to whom the case was transferred, determining the amount may, within sixty days from the date of such decision, insofar as it affect him, make application to the Collector or the concerned officer for referring the matter to Court. The respondents rely on the words "within sixty days from the date of such decision". It is contended that the decision having been made on 24.09.2021, the petitioners have given application for reference belatedly beyond the period of 60 days and, therefore, the said reference cannot be processed.

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



person. Therefore, a conjoint reading of the above two phrases would only go to mean that any person, upon getting to know about the decision of the Collector, should, within 60 days from such knowledge, make an application for reference.

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13. Further a perusal of sub-section (1) of Section 9 of the Land Acquisition Act, 1894 reveals that the Collector has to cause a public notice stating the intention of the Government to take possession of land and that the claims of compensation for such land to be made to him. From the above provision, it is evident that where such claims are filed in respect of the lands, which are sought to be acquired, Section 8 of the Act would come into play immediately and the time for reference has to be reckoned as the date on which the award is made. However, insofar as the lands, where no claim is made for compensation, it is the duty of the Collector to send a copy of the award to such of the land owners, whose lands are sought to be acquired, for whom compensation is quantified to enable them to seek the refuge under section 8 of the Act and for those persons, the limitation has to be reckoned starting from the date on which the award stands communicated.

14. In the case on hand, it is not disputed that the award was communicated belatedly to the petitioners. It is to be pointed out that after enquiry, only on the passing of the award, the compensation becomes final. Therefore, necessarily, the said award has to be communicated to the persons, whose lands have been acquired, so as to know whether the person has any grievance about the compensation given. There is no material to show that the petitioners were put on notice about the award. The award, having been communicated to the petitioner belatedly and the application for reference having been made within the period of 60 days from the date of receipt of the award by the petitioner, the requirements of Section 8 of the Act r/w Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 stands fully satisfied and, therefore, the stand of the respondents that the application was made beyond the period of 60 days is wholly unsustainable and is bereft of logic and reasoning. Therefore, the petitioners are entitled to the relief as prayed for.

15. For the reasons aforesaid, these writ petitions are disposed of directing the 1st respondent / District Collector to refer the matter to the competent Civil Court for re-determination of the compensation amount in terms of the Section 8 of the Act, read with Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and the said exercise of reference shall be completed within a period of twelve weeks



from the date of receipt of a copy of this order. Upon such reference, the Civil Court of Competent jurisdiction shall decide the issue for enhanced compensation as expeditiously as possible.

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16. With the above directions, these Writ Petitions are disposed of. No costs.

Sd/-

Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

skt

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 Special Tahsildar (Land Acquisition),
Southern Railways,
Kallakurichi, Kallakurichi District.

+1cc to Mr.C.Mahendran, Advocate, S.R.No.18915

+1cc to the Government Pleader, S.R.No.19175

W.P.Nos.6492, 6494, 6495, 6496,
6497,6498, 6499, 6500, 6501,
6503, 6504 & 6506 of 2022

NRJK(CO)

RGA(24/05/2022)