



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.7396 OF 2022

M/s.Seshasayee Paper and Boards Limited,
Pallipalayam, Namakkal District - 638 007,
Rep. by its Deputy Managing
Director and Secretary,
Mr.V.Pichai.

... Petitioner

.Vs.

1. The District Collector,
Namakkal District,
Namakkal - 638 007.
2. The Land Acquisition Officer
& District Revenue Officer,
Namakkal District,
Namakkal - 638 007.

... Respondents

PRAYER:-

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the Respondents to make a Reference of the petitioners representation/objections dated 01.02.2022 to the 1st respondent under Sec.64 of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) so as to fix just compensation for the acquired lands belonging to the petitioner comprised in survey Nos.174/1A, 174/14A and 174/15A1 Kadachanallur Village, Namakkal District in Patta No.191 of an extent of 1 354 Sq.Mtr. being subject matter of the Final Award Proceedings No.Roc.578/2017/H2 dated 30.11.2021 of the 2nd respondent and for 127 Sq.Mtrs of additional lands (under Survey No.174/1B1) compulsorily acquired.

For Petitioner : Mr.V.Srikanth

For Respondents : Mr.P.Sathish
Additional Government Pleader



ORDER

This writ petition is filed seeking direction to the Respondents to consider the representation/objections dated 01.02.2022 to the 1st respondent under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) and to fix just compensation for the acquired lands belonging to the petitioner.

2. The case of the petitioner is that the land in S.Nos.174/14A and 174/15A1 in Kadachanallur Village, belong to petitioner's company, was acquired for the purpose of construction of Railway over bridge Project, for which the respondents issued notification under Section 15(2) of the Tamil Nadu Highways Act, 2001 and the same was published on 04.03.2015. After following the procedure, award was passed on 30.11.2021. Thereafter, the petitioner was called for an enquiry in respect of the acquisition of additional lands on 21.01.2022. Therefore, the petitioner made detailed objections/representation dated 01.02.2022 to the respondents herein seeking fixation of fair compensation under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as 'the Act'). Till date, the same was not considered and hence, the present writ petition has been filed with the above said prayer.

3. The learned counsel for the petitioner submitted that this Court may issue a direction to the respondents to consider the representation/objection dated 01.02.2022 made by the petitioner within the stipulated time as fixed by this Court.

4. The learned Additional Government Pleader appearing on behalf of the respondents submitted that the notification has been issued under Section 63 of the Act and the State has appointed the Principal District Judge, Namakkal as authorised person to deal with the land acquisition matters, under the Act. Therefore, the representation of the petitioner will be forwarded to the Principal District Judge, Namakkal within a period of four weeks from the date of receipt of a copy of this order.

5. Heard, the learned counsel for the petitioner as well as the learned Additional Government Pleader appearing for the respondents, and perused the materials available on record.

6. In view of the above submission made by the learned Additional Government Pleader, this Court directs the respondents to forward the representation/objection of the



petitioner dated 01.02.2022 to the competent authority appointed by the State Government within a period of four weeks from the date of receipt of a copy of this order.

7. With the above directions, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

Rli

To

1. The District Collector,
Namakkal District,
Namakkal - 638 007.
2. The Land Acquisition Officer
& District Revenue Officer,
Namakkal District,
Namakkal - 638 007.

+1cc to the Government Pleader, S.R.No.23243

W.P.NO.7396 OF 2022

GMR(CO)
PBS/28/04/2022