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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.7313 of 2022

Venugopal Naicker

... Petitioner

Vs.

1.The Government of Tamilnadu,
Represented by its Secretary to Government,
Revenue and Disaster Management Department,
Fort St.George, Chennai - 600 009.

2.The District Collector,
Office of the Collectorate,
Chengalpattu.

3.The Special Tahsildar (LA),
Office of the Special Tahsildar,
Chennai Outer Ring Road Scheme,
Tambaram at Poonamelle,
Chennai - 600 056.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to consider the representation of the petitioner dated 05.01.2022 and refer the same for Reference as per Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013).

For petitioner : Mr.M.Rajasekhar

For Respondents : Mr.P.Sathish
Additional Government Pleader

ORDER

The petitioner has filed this petition seeking direction to the second respondent to consider the representation of the



petitioner dated 05.01.2022 and refer the same for Reference as per Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013).

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2. Mr.P.Sathish, learned Additional Government Pleader takes notice for the respondents. In view of the limited relief sought for in this petition and on the consent expressed by the learned counsel appearing on either side, this petition is taken up for final disposal.

3. The case of the petitioner is that the petitioner's father was originally owned the property comprised in S.No.219/8A1B measuring 78 Sq.mtrs and in S.No.219/8A2B measuring 165 Sq.mtrs, situated at Vandalur Village, Vandalur Taluk, Chengalpattu District and the same was acquired for the purpose of forming Chennai Outer Ring Road, multi-purpose fly over, bus stop and expansion of service road in Vandalur Village under Section 15(1) of the Tamil Nadu Highways Act, 2001 vide G.O.Ms.No.36 dated 17.09.2014. Pursuant to the said acquisition, petitioner's father died leaving behind the petitioner and his brothers as legal heirs. In the meanwhile, Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013) was introduced and as per the 105 of the said act all other acts except mentioned in the Fourth Schedule were repealed. Thereafter, the fourth respondent on 16.12.2015 passed an Interim Award in Award No.7 of 2015 vide Na.Ka.No.02.2013/Se.Ve.V.Salai/Kancheepuram determined the interim compensation under Section 12(2) of 1894 Act and on 25.09.2019 award was determined by the fourth respondent who do not have authority to pass the award under Section 37 of the of the said (Act 30 of 2013). As per Chapter V of the Act 30 of 2013, the second respondent is the competent authority to pass Award. However, the award was passed by the fourth respondent which does not reflect the proper market value of the land acquired from petitioner. However, on 25.09.2019, the fourth respondent had passed an award in award No.6 of 2019, determined the compensation under Section 37(RFCTLARR Act 2013) and the same has been credited to petitioner's account. The petitioner had received a sum of Rs.1,51,90,824/- and the same was lastly deposited on 07.04.2020, and the same was received by petitioner under protest. Thereafter, petitioner had sent a representation on 01.12.2020, requesting the fourth respondent for reference to the appropriate authority for redetermination of the compensation, and he also made a representation on 05.01.2022 before the second respondent. However, till date no action has



been taken by the respondents on the representation made by the petitioner. Hence, the present Writ Petition has been filed by the petitioner for the above relief.

4. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court directs the fourth respondent to consider the petitioner's representation dated 01.12.2020 within the time frame that may be fixed by this Court.

5. The learned Additional Government Pleader appearing for the fourth respondent submits that the petitioner's representation dated 01.12.2020, will be considered by the fourth respondent within the time frame that may be fixed by this Court.

6. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, directs the fourth respondent to consider the petitioner's representation dated 01.12.2020, and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order.

7. Accordingly, this writ petition is disposed of with the aforesaid direction. No costs.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

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To

1. The Secretary to Government,
Government of Tamilnadu,
Revenue and Disaster Management Department,
Fort St. George, Chennai - 600 009.

2. The District Collector,
Office of the Collectorate,
Chengalpattu.



3.The Special Tahsildar (LA),
Office of the Special Tahsildar,
Chennai Outer Ring Road Scheme,
Tambaram at Poonamelle,
Chennai - 600 056.

+1cc to M/s.M.Rajasekhar, Advocate Sr.20979
+1cc to the Government Pleader Sr.21382

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srg 25/04/2022