



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No.8439 of 2022

and

W.M.P.No.8384 of 2022

1. K.Jayabalan

2. K.Srinivasan

... Petitioners

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

PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to refer the request/reference application filed by the petitioners on 10.06.2020 and 22.02.2022 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 petitioners herein comprised in Survey Nos.102/2A2 0.15.0, 102/2B2 0.09.5, 103/1B2 0.16.0 and 105/1A 0.04.5 hectares properties situated at Porpadakurichi Village, Kallakurichi Taluk and Kallakurichi District in Award 01/2020 in Na.Ka.AA1/2674/2019 dated 31.03.2020 within a reasonable time to be fixed by this Hon'ble Court.

For Petitioners : Mr.C.Mahendran

For Respondents : Mr.V.Veluchamy
Additional Government Pleader



O R D E R

This Writ Petition has been filed to issue a Writ of Mandamus, directing the first respondent to refer the request/reference application filed by the petitioners on 10.06.2020 and 22.02.2022 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 petitioners herein comprised in Survey Nos.102/2A2 0.15.0, 102/2B2 0.09.5, 103/1B2 0.16.0 and 105/1A 0.04.5 hectares properties situated at Porpadakurichi Village, Kallakurichi Taluk and Kallakurichi District in Award 01/2020 in Na.Ka.AA1/2674/2019 dated 31.03.2020 within a reasonable time to be fixed by this Hon'ble Court.

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

3. The case of the petitioners is that the petitioners are the owners of the properties comprised in Survey Nos.102/2A2, 102/2B2, 103/1B2 and 105/1A totally to an extent of 0.45.0 hectares, situated at Porpadakurichi Village, Kallakurichi Taluk, Kallakurichi District. The said lands were acquired by the respondents for the purpose of formation of New Broad Gauge Railway line between Chinnasalem and Kallakurichi under the Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997 (Tamil Nadu Act 10/1999). Since, the compensation fixed by the Land Acquisition Officer was not adequate, the petitioners made a representation to the respondents dated 10.06.2020 for determination of fair compensation. However, till date, no order has been passed on the same. Hence, this present petition is filed.

4. The learned counsel for the petitioners submitted that this Court may issue a direction to the first respondent to consider the representation of the petitioners dated 10.06.2020 and may pass appropriate orders in terms of Section 8 of Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997 (Tamil Nadu Act 10/1999) and Section 64 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013) within the stipulated time as fixed by this Court.

5. The learned Government Advocate appearing for the



respondents, would submit that the representation made by the petitioners will be considered and appropriate orders will be passed on merits within the time frame to 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 first respondent to consider the representation of the petitioners dated 10.06.2020 and after giving an opportunity of hearing to the petitioners, pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above directions, this writ petition stands disposed of. Consequently, connected Miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar (LA)

//True Copy//

Sub Assistant Registrar

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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 M/s.L.Mahendran, Advocate, S.R.No.24190

+1cc to the Special Government Pleader, S.R.No.24282

W.P. No.8439 of 2022
and
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SKM(CO)
SU(22/04/2022)