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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.04.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.8036 of 2022

R.Paneer Selvam

... Petitioner

Vs.

1.The District Collector and Land Acquisition Officer,
(Project of Formation of New Broad Gauge Railway Line
between Chinna Salem and kallakuriachi)
Office of District Collector,
Kallakurichi.

2.The Special Thasildar (Land Acquisition),
Southern Railways,
Kallakurichi.

... Respondents

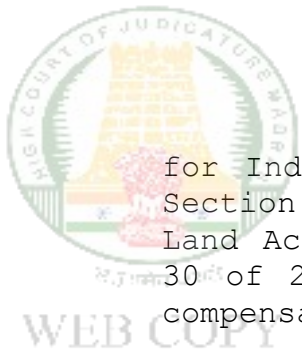
Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to refer the request/reference application filed by the petitioner on 02.01.2021 under Section 8 of Tamil Nadu Acquisition of Lands for Industrial Purposes Act 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 to the competent court to determine the appropriate compensation within a reasonable time as fixed by this Honorable Court.

For Petitioner : Mr.R.Nalliyappan

For Respondents : Mr.A.Anandan
Government Advocate

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the first respondent to refer the request/reference application filed by the petitioner on 02.01.2021 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) to the competent court to determine the appropriate compensation within a reasonable time as fixed by this Court.

2. The learned Government Advocate takes notice for the official respondents. In view of the limited relief sought for in this petition and on the consent of 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 is the owner of the properties in Survey Nos.100/1A, 1B, 1C,1D, 1E, 1F, 1G, 1H, 114/1B, 115/3D, 115/3B1, 98/4, 98/3A, 98/3B, situated at Keelpoondi Village, Kallakurichi District. The petitioner's land was acquired under the Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997, for formation of New Broad Gauge Railway Line between Chinna Salem and Kallakurichi. The 1st respondent passed an order on 23.09.2020 and determined compensation as per Section 7 of the Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997. The petitioner made application on 02.01.2021 to the 1st respondent and the same was forwarded to the 2nd respondent to refer the issue under Section 8 of Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997 to competent Court to enhance and to redetermination of compensation. However, till date no orders have been passed. Hence, this writ petition is filed with the above said prayer.

4. The learned counsel for the petitioner submitted that it would suffice if this Court issue a direction to the 1st respondent to consider the petitioner's representation, dated 02.01.2021, and pass orders within a reasonable time that may be fixed by this Court.

5. The learned Government Advocate appearing on behalf of the respondents submitted that the petitioner's representation dated 02.01.2021, will be considered by the respondents, within a reasonable time that may be fixed by this Court.

6. This Court, without going into the merits of the case, directed the 1st respondent to consider the petitioner's representation, dated 02.01.2021, and pass orders on merits and in accordance with law, after providing an opportunity of hearing to the petitioner and to the aggrieved parties, if any, within a period of twelve weeks from the date of receipt of a copy of this order.



7. With the above direction, this Writ petition is disposed of. No costs.

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SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

Psa
To

1.The District Collector and Land Acquisition Officer,
(Project of Formation of New Broad Gauge Railway Line
between Chinna Salem and kallakuriachi)
Office of District Collector,
Kallakurichi.

2.The Special Thasildar (Land Acquisition),
Southern Railways,
Kallakurichi.

+1cc to Mr.R.Nalliyappan, Advocate Sr.22545
+1cc to the Government Pleader Sr.23418

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srg 21/04/2022