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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No.8985 of 2022

A.Arulselvam

... Petitioner

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 District Revenue Officer,
Kallakurichi,
Kallakurichi District.

3. 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, direct the first respondent to refer the request/reference application submitted by the petitioner on 18.11.2021 under Section 8 of Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997 (Tamil Nadu Act 10/1999) and consequently direct the respondents to pay the award amount of Rs.1,60,327/- together with interest at 12% per annum from 01.10.2021 till date of payment without prejudice to the petitioner's claim to seek enhancement of compensation with respect to the land of the petitioner's herein comprised in Survey Nos.38/1B2 - 0.09.0 hectares, 47/1A2 0.05.0 hectares, 47/4A 0.03.0 hectares, 47/5 0.01.0 hectares, 47/6A 0.00.5 hectares and 51/8A 0.02.0 hectares properties situated at Emapper Village, Kallakurichi Taluk and Kallakurichi District in Award 06/2021 in Na.Ka.AA1/2674/2019 dated 24.09.2021 within a reasonable time to be fixed by this Hon'ble Court.



For Petitioner : Mr.C.Mahendran

For Respondents : Mr.V.Veluchamy
Additional Government Pleader

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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 submitted by the petitioner on 18.11.2021 under Section 8 of Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997 (Tamil Nadu Act 10/1999) and consequently direct the respondents to pay the award amount of Rs.1,60,327/- together with interest at 12% per annum from 01.10.2021 till date of payment without prejudice to the petitioner's claim to seek enhancement of compensation with respect to the land of the petitioner's herein comprised in Survey Nos.38/1B2 - 0.09.0 hectares, 47/1A2- 0.05.0 hectares, 47/4A- 0.03.0 hectares, 47/5- 0.01.0 hectares, 47/6A- 0.00.5 hectares and 51/8A- 0.02.0 hectares properties situated at Emapper Village, Kallakurichi Taluk and Kallakurichi District in Award 06/2021 in Na.Ka.AA1/2674/2019 dated 24.09.2021 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 petitioner is that the petitioner is the owner of the properties comprised in Survey Nos.38/1B2 - 0.09.0 hectares, 47/1A2- 0.05.0 hectares, 47/4A- 0.03.0 hectares, 47/5- 0.01.0 hectares, 47/6A- 0.00.5 hectares and 51/8A- 0.02.0 hectares, situated at Emapper Village, Kallakurichi Taluk and 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 petitioner made a representation to the respondents dated 18.11.2021 for determination of fair compensation. However, till date, no order has been passed on the same. Hence, this present petition is filed.



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4. The learned counsel for the petitioner submitted that this Court may issue a direction to the first respondent to consider the representation of the petitioner dated 18.11.2021 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 Additional Government Pleader appearing for the respondents, would submit that the representation dated 18.11.2021 made by the petitioner 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 pay the award amount with interest and to consider the representation of the petitioner dated 18.11.2021 and after giving an opportunity of hearing to the petitioner, pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

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

SD/-
ASSISTANT REGISTRAR

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SUB ASSISTANT REGISTRAR

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To

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(Project of Formation of New Broad Gauge Railway line
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3. The Special Tahsildar (Land Acquisition),
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+1cc to M/s.C.Mahendran, Advocate Sr.25361
+1cc to the Government Pleader Sr.25942

W.P. No.8985 of 2022

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srg 25/04/2022