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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2022

CORAM :

THE HONOURABLE MR.JUSTICE M. DHANDAPANI

W.P.Nos.8426, 8432 & 8525 of 2022
and
W.M.P.No.8374 of 2022

- 1.T.Ramasamy ...Petitioner in W.P.8432 and 8525/2022
and 1st Respondent in W.P.No.8426/2022
- 2.T.Sivakumar ...2nd Petitioner in W.P.No.8426 of 2022

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 in all WPs

Prayer in W.P.No.8426 of 2022: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to refer the request/reference application submitted by the petitioner on 25.10.2021 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.61,79,997/- 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.71/10B 0.10.0 hectares, 75/2A 0.04.0 hectares and 72/1B 0.07.5 hectares properties situated at Emapper Village, Kallakurichi Taluk and Kallakurichi District in award No.06/2021 in Na.Ka.No.AA1/2674/2019 dated 24.09.2021 within a reasonable



time to be fixed by this Court.

Prayer in W.P.No.8432 of 2022: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to refer the request/reference application submitted by the petitioner on 25.10.2021 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.39,24,365/- 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.71/3A 0.00.5 hectares and 72/2B 0.24.0 hectares properties situated at Emapper Village, Kallakurichi Taluk and Kallakurichi District in award No.06/2021 in Na.Ka.No.AA1/2674/2019 dated 24.09.2021 within a reasonable time to be fixed by this Court.

Prayer in W.P.No.8525 of 2022: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to refer the request/reference application submitted by the petitioner on 25.10.2021 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.61,79,997/- 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.71/9B 0.03.0 hectares, 75/11A 0.02.0 hectares, 75/12A 0.00.5 hectares and 71/2B 0.00.5 hectares properties situated at Emapper Village, Kallakurichi Taluk and Kallakurichi District in award No.06/2021 in Na.Ka.No.AA1/2674/2019 dated 24.09.2021 within a reasonable time to be fixed by this Court.

For Petitioners: Mr.C.Mahendran
(in all WPs)

For Respondents: Mr.V.Veluchamy
(in all WPs) Additional Government Pleader

COMMON ORDER

Since the issue involved and the relief sought for in all these three Writ Petitions, are identical in nature, the same are heard together and disposed of by this common order.



2. The case of the petitioners is that the petitioners are the owner of the properties in Survey Nos.71/10B, 75/2A, 72/1B, 71/3A, 72/2B, 71/9B, 75/11A, 75/12A and 71/2B. The respondents herein acquired the petitioners' lands for the purpose of formation of New Broad Gauge Railway line between Chinnasalem and Kallakurichi as per the Government Order passed in G.O.Ms.No.111, Transport (I.1)Department, dated 12.06.2012. Thereafter, 1st respondent issued a notice under Section 7(2) of Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997 (Tamil Nadu 10/1999) dated 03.03.2018 to the petitioners, to which, the petitioners filed objections. Another notice has also been issued to the petitioners, pursuant to which, award enquiry was conducted and award in Award No.06/2021 in Na.Ka.No.AA1/2674/2019 was also passed on 24.09.2021. Since the respondents failed to pay or deposit the compensation amount in Court, the petitioners made a request on 25.10.2021 before the 1st respondent under Section 8 of Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997 (Tamil Nadu Act 10/1999) read with Section 64 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Settlement Act, 2013 (Act 30 of 2013) to refer the matter to the Competent Court for re-determination of the compensation and to pay the award amount together with interest at 12% per annum from 01.10.2021 till date of payment. However, till date, the compensation had not been deposited in Court or paid to the petitioners. Hence, the present writ petitions have been filed.

3.Mr.C.Mahendran, learned counsel for the petitioners submitted that it would suffice, if this Court issues a direction to the 1st respondent to pay the award amount together with interest and refer the matter to the Competent Court for re-determination of the compensation amount, by considering the petitioners' request dated 25.10.2021, within a stipulated time that may be fixed by this Court.

4.The learned Additional Government Pleader appearing for the respondents submit that he has no objection for the said order being passed.

5.In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, directs the 1st respondent to pay the award amounts together with interest and refer the matter to the Competent Court as per Section 8 of Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997 (Tamil Nadu Act 10/1999) read with Section 64 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Settlement Act, 2013 (Act 30 of 2013) within a period of twelve weeks from the date of receipt of a copy of this order.



6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

sp/jd

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 District Revenue Officer,
Kallakurichi,
Kallakurichi District.
3. The Special Tahsildar (Land Acquisition),
Southern Railways,
Kallakurichi,
Kallakurichi District.

+1cc to M/s.C.Mahendran, Advocate, S.R.No.24189

+1cc to the Government Pleader, S.R.No.24706, 24707

W.P.Nos.8426, 8432 & 8525 of 2022

PMK (CO)
RGA (26/04/2022)