



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.11325 of 2022

WEB COPY

1.R.Chellammammal
2.R.Ravi
3.Mohanraj

... Petitioners

Vs.

- 1.The Additional Chief Secretary/
Commissioner of Land Administration,
Ezhilagam, Chepauk,
Chennai - 600 005.
- 2.The District Collector/Land Acquisition Officer,
(Project of Formation of New Broad Gauge Railway line,
Between Chinna Salem and Kallakurichi,
Kallakurichi, Kallakurichi District.
- 3.The Revenue Divisional Officer,
Kallakurichi,
Kallakurichi District.
- 4.The Special Tahsildar (Land Acquisition),
Southern Railways,
Kallakurichi,
Kallakurichi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents herein to refer the award No.1/2020 in Na.Ka.AA1/2674/2019 dated 31.03.2020 to the Competent Court under Section 8 and Section 10 of the Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997 (Tamil Nadu Act 10/1999) for the purpose of determination of title of the land and for the deposit of the compensation amount determined under the award for the acquired land and seek enhanced compensation for the development of the land by the Petitioners with respect to survey No.80/1B1B for an extent of 0.35.0 hectares of land situate in Porpadakurichi Village, Kallakurichi Taluk and Kallakurichi District within a reasonable time to be fixed by this Court.



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For Petitioners: Mrs.Dakshayani Reddy
for Mr.C.Mahendran

For Respondents: Mr.V.Veluchamy
Additional Government Pleader

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the respondents herein to refer the Award No.1/2020 in Na.Ka.AA1/2674/2019 dated 31.03.2020 to the Competent Court under Section 8 and Section 10 of the Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997 (Tamil Nadu Act 10/1999) for the purpose of determination of title of the land and for deposit of the compensation amount determined under the Award for the acquired land and seek enhanced compensation for the development of the land by the petitioners with respect to Survey No.80/1B1B of an extent of 0.35.0 hectares of land situate in Porpadakurichi Village, Kallakurichi Taluk and Kallakurichi District within a reasonable time to be fixed by this Court.

2. The case of the petitioners is that they are the owners of the property in Survey No.80/1B1, situated at Parpattakurichi Village, Kallakurichi Taluk and Kallakurichi District, which was registered through sale deed in the year 1963, vide document No.2094/1963, whereby one Sellan sold the land to one Kalluvarayan Naicker and in turn, the said Kalluvarayan Naicker alienated the said land to one Nallamuthu Gounder, vide Doc.No.4798/1966. Thereafter, the said land was alienated to one Kandasamy Gounder, who is none other than the paternal grand-father of the second and third petitioners, vide registered deed 1671/1968. After the demise of the said Kandasamy Gounder, the petitioners, along with his mother, derived title from their father. Further, the Revenue Authorities also issued Patta, vide Patta No.8684 in favour of the petitioners. While so, the said land was acquired for formation of New Broad Gauge Railway line between Chinnasalem and Kallakurichi under the Industrial Purpose Act, 1997. In order to determine the compensation, the petitioners also participated in the Award proceedings and also produced all the documents to prove the title of the petitioners with respect to the aforesaid property. However, the compensation amount was not disbursed in favour of the petitioners, on the ground that the land was acquired, in violation of the condition of assignment, whereby they refused to pay the compensation in favour of the



petitioners. Hence, the present Writ Petition is filed for the aforesaid relief.

3. The learned counsel for the petitioners submitted that the assignment was granted in the year 1961. Subsequently, there were several alienations in favour of several persons. Lastly, the petitioners' grandfather purchased the aforesaid property by way of registered sale deed in the year 1968. Thereafter, the Patta was also mutated in the name of the petitioners' father. The petitioners are the owners of the property and the interested persons. However, non-payment of the compensation to the petitioners, is not sustainable one and further if there is any title dispute, it is the duty bound of the Land Acquisition Officer to refer the matter to the competent Civil Court. Further, he submitted that it is sufficient, to refer the matter under Section 10(3) of the Act, on considering the petitioner's representation dated 06.12.2021, and pass appropriate orders within the time frame stipulated by this Court.

4. Heard the learned counsel for the petitioners as well as the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

5. Considering the facts and circumstances of the case, the petitioners' claim is that they are the owners of the property in Survey No.80/1B1 in Parpattakurichi Village and the said property was purchased by their grandfather in the year 1968 from said Nallamuthu Gounder. However, on perusal of the records, it shows that the aforesaid property was registered in the year 1968 in favour of the petitioners' grandfather. However, the said land was acquired for the purpose of invoking the provisions of the Industrial Purposes Act for erecting New Broad Gauge Railway line between Chinnasalem and Kallakurichi. Earlier, the petitioners made a representation dated 01.07.2021 for payment of compensation, and in response, on 09.07.2021, the concerned District Collector, directed the Tahsildar to file a report for determination of the compensation amount. However, till date, no order is passed. Again, the petitioners made representation during the public grievance day before the District Collector on 06.12.2021 and till date, the same was not considered.

6. In view of the above, this Court is inclined to issue direction to the second respondent to consider the petitioner's representation dated 06.12.2021 and pass appropriate orders, either under Section 8 or Section 10(3) of the Industrial



Purposes Act, 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.

Sd/-
Assistant Registrar (CS III)

//True Copy//

Sub Assistant Registrar

jd/rap
To

- 1.The Additional Chief Secretary/
Commissioner of Land Administration,
Ezhilagam, Chepauk,
Chennai - 600 005.
- 2.The District Collector/Land Acquisition Officer,
(Project of Formation of New Broad Gauge Railway line,
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Southern Railways,
Kallakurichi,
Kallakurichi District.

+1 cc to Mr.C.Mahendran Advocate sr30406
+1 cc to Government Pleader sr31021

W.P.No.11325 of 2022

ad(co)
aa02/06/2022