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W.P.No.16878 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.07.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.16878 of 2022

Sri Muthusaravana Spinning Mills Pvt., Ltd
rep.by its Joint Managing Director A.Velkumar
vs.

... Petitioner

1.The District Collector,
Namakkal District,
Collectorate, Tiruchengode Road,
Namakkal 637 003.

2.Land Acquisition Officer and District Revenue Officer,
Collectorate, Namakkal 637 003.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the first respondent to act on the petitioners representation dated 9 / 3 / 2022 and make a reference to the appropriate Authority viz. the principal District Judge Namakkal- as contemplated under Sec. 64 of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013.

For Petitioners : Mr.V.Rajesh

For Respondents : Mr.G.Krishnaraja
Additional Government Pleader



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ORDER

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This writ petition has been filed for issuance of writ of Mandamus to direct the first respondent to act on the petitioners representation dated 09.03.2022 and make a reference to the appropriate Authority viz. the principal District Judge Namakkal- as contemplated under Sec. 64 of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013.

2. The case of the Joint Managing Director, who represents the petitioner company, is that a portion of lands and building belonging to the petitioner Company, admeasuring an extent of 1950 sq.m in S.F.No.57/2D, 1400 sq.m in S.F.No.58/2A and 154 sq.m in S.F.No.58/1 were acquired by the Government of Tamil Nadu by issuing a notification dated 03.11.2015 for formation of a bye pass road to Rasipuram Town and the 2nd respondent Land Acquisition Officer has determined the compensation payable to the petitioner Company for acquisition of its lands at Rs.1,99,31,384/-. Aggrieved by the meagre amount of compensation, the repeated written representations to the 1st respondent as contemplated under Section 64 of the Central Act No.30 of 2013, was made to make reference to the appropriate authority, however, the 1st respondent has not responded to the said representations. Hence, the petitioner is before this Court.



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3. Though very many grounds have been raised, learned counsel for the petitioner submits that though admittedly the petitioner received the award copy on 25.02.2021, immediately thereafter, the petitioner made application before the District Collector on 24.03.2021 and the same was acknowledged by the 1st respondent also. Hence, it would suffice if this Court issues direction to the 1st respondent to consider the petitioner's representation dated 24.03.2021 and pass orders on the same within a particular time frame fixed by this Court.

4. The learned Additional Government Pleader appearing for the official respondents has no objection for 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 consider the petitioner's representation dated 24.03.2021 to refer the matter to the appropriate court for determination of fair compensation under Central Act 30 of 2013, on merits and in accordance with law and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order.



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M.DHANDAPANI, J.

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6. This writ petition is accordingly disposed of. No costs.

04.07.2022

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To

1.The District Collector,
Namakkal District,
Collectorate, Tiruchengode Road,
Namakkal 637 003.

2.Land Acquisition Officer and District Revenue Officer,
Collectorate, Namakkal 637 003.

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