



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No.21644 of 2014
and M.P.No.1 of 2014

1. S.Sujatha
2. Lalith Kumar Jain @ Lalith Jain
3. Lakshmi Jain
4. Subbarayan
5. Rajendaren
6. Sivagami

... Petitioners

Vs.

1. The Land Acquisition Officer and
District Revenue Officer,
Collectorate Building,
Erode - 638 011.
2. The Principal Secretary and Commissioner
of Land Administration,
Ezhilagam, Chepauk,
Chennai - 5.
3. The Divisional Engineer,
(Highways) Projects,
Erode.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the Award No.01-2012-2013 ROC.65308/2010/B1 dated 31.12.2013 passed by the first respondent herein, quash the same and consequently direct the respondents to proceed afresh under the new Act Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 by considering the representation dated 20.02.2014.

For Petitioners

: Mr.N.Manokaran

For Respondents

: Mr.M.Murali
Government Advocate



O R D E R

This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the Award No.01-2012-2013 ROC.65308/2010/B1 dated 31.12.2013 passed by the first respondent herein, quash the same and consequently direct the respondents to proceed afresh under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, by considering the representation dated 20.02.2014.

2. The case of the petitioners is that they are the owners of the properties comprised in New Survey Nos.48/2, 51/1, 51/2, 71/2 and 100/2, situated in Erode town, to an extent of 1312.1 sq.meters of dry lands. The said lands were acquired for the formation of roundana at K.M.1/8, of Erode - Perundurai - Kangayam Road, near Government Hospital, Erode under the Tamil Nadu Highways Act, 2001. However, without following any of the provisions under Section 19 (7) (a) (b) of the Tamil Nadu Highways Act, 2001, the competent authority had passed an award on 31.12.2013 by depriving the rights of the petitioners from getting benefit under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

3. When the matter is taken up for hearing, it is brought to the notice of this Court that, during the pendency of the writ petition, the competent authority has referred the matter before the LAOP Court in LAOP Nos. 7, 10, 11 and 13 of 2018 to determine the compensation payable for the petitioners' land. Therefore, the learned counsel for the petitioners submits that the petitioners may be granted liberty to canvas all the points before the Court below.

4. In view of the aforesaid position and in view of the limited request made by the learned counsel for the petitioners, without going into the merits of the case, liberty is granted to the petitioners to appear before the LAOP Court and canvas all their points with regard to enhanced compensation and to establish their rights to get fair compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

5. With the above directions, this writ petition stands disposed of. Consequently, connected Miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar



1. The Land Acquisition Officer and
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Collectorate Building,
Erode - 638 011.

2. The Principal Secretary and Commissioner
of Land Administration,
Ezhilagam, Chepauk,
Chennai - 5.

3. The Divisional Engineer,
(Highways) Projects,
Erode.

+lcc to Mr.N.Manokaran, Advocate, S.R.No.21185
+lcc to the Government Pleader, S.R.No.21722

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MG(CO)
SB(18/04/2022)