



WEB COPY



W.P. No.20627 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

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K.Kamalam

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Kallakuruchi.

2.The District Revenue Officer,
Office of DRO,
Collectorate Campus,
Kallakuruchi.

3.The Special Thasildar,
Land Acquisition - Railway,
Kallakurichi.

4.The Village Administrative Officer,
Thachur Village,
Kallakurichi Taluk and District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records of the first respondent in Na.Ka.AA.1/2674/2019 in Decision No.07/2022 dated 25.03.2022, to quash the same and direct the respondents to disburse the amount payable as compensation for acquiring the petitioner's land at S.No.163/1A, Thachur Village, Kallakuruchi Taluk and District, which is of



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an extent of 3.5 cents.

For Petitioner : Mr.S.Kamaleshkannan

For Respondents : Mr.G.Krishna Raja
Additional Government Pleader

ORDER

This Writ Petition is filed seeking issuance of a Writ of Certiorarified Mandamus to quash the proceedings of the first respondent in Na.Ka.AA.1/2674/2019 in Decision No.07/2022 dated 25.03.2022 and to direct the respondents to disburse the amount payable as compensation for acquiring the petitioner's land at S.No.163/1A, of an extent of 3.5 cents situated in Thachur Village, Kallakuruchi Taluk and District.

2. The case of the petitioner is that she is the owner of the above said property situated in the said Village and has also obtained Patta in her favour. Thereafter, the said property was acquired under the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (hereinafter referred to as 'the Act') for the purpose of establishing new Broad-Gauge railway line from Chinna Salem to Kallakurichi and the Respondent authorities had initiated the acquisition proceedings under the said Act after causing notice under Section 3(1) of the Act, the first respondent had also arrived at a sum payable to the petitioner as compensation vide proceedings dated 25.03.2022,



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and the said proceedings also have a mention about the oral statement of the fourth respondent which states that the impugned land is a conditional Patta land which was allotted in the year 1929. Aggrieved over the said proceedings, the petitioner made a representation dated 17.05.2022 seeking to disburse the amount payable as compensation for acquiring the subject property. Challenging the order passed by the first respondent dated 25.03.2022, the present Writ Petition has been filed.

3. Learned counsel for the petitioner submitted that though the land was acquired under 'the Act', as per Section 9(2) of the Act, when the amount has been determined under Section 7 of the Act, if any dispute arises as to the apportionment of the same, the first respondent has to refer such dispute for the decision of the Court, instead of referring the said dispute before the reference Court, the first respondent withheld the amount payable to the petitioner is not sustainable. Hence this Court may direct the first respondent to refer the dispute before the competent Civil Court.

4. Heard learned counsel appearing on either side and perused the materials placed before this Court.



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5. Admittedly the subject property was acquired under 'the Act' and the compensation payable to the petitioner was withheld based on the report submitted by the fourth respondent. As rightly submitted by the learned counsel appearing for the petitioner, as per Section 9(2) of the Act, when the amount has been determined under Section 7 of the Act, if any dispute arises as to the apportionment of the same, the first respondent / District Collector has to refer such dispute for the decision of the Court, instead of referring the said dispute before the reference Court, the first respondent with held the amount payable to the petitioner is not sustainable. Hence, the first respondent is directed to refer the dispute to the competent Civil Court within a period of six weeks from the date of receipt of a copy of this order.

6. Accordingly, this Writ Petition is disposed of with liberty to the petitioner to agitate her grievance before the reference Court. No costs.

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Index : Yes / No
Speaking order : Yes / No
RAP



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M.DHANDAPANI, J.

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