



WEB COPY



W.P.No.23819 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.23819 of 2022
and
W.M.P.No.22803 of 2022

M.Arun

... Petitioner

Vs.

1. The Principal Secretary to Government,
Industries Department,
Government of Tamil Nadu,
Fort St.George, Chennai 600 009.

2. The Collector,
Master Plan Complex NH 205,
Chennai-Tiruttani Highway,
Thiruvallur, Tamil Nadu 602 001.

3. The Competent Authority &
Special District Revenue Officer (LA),
National Highways-716B,
Thiruvallur.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records of the third respondent made in impugned award no.29/2021, dated 10.12.2021



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passed by the third respondent in Rc.No.143/2020/LA/NH-716B, Unit-IV and quash the same and consequently remit the matter to the third respondent to determine the compensation payable to the petitioner after disclosing all the documents and materials collected by the third respondent for fixing the compensation in terms of Sections 26 to 30 of Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 and pass an award after affording opportunity to the petitioner.

For Petitioner : Mr.P.S.Raman
Senior counsel
for Mr.Vijayan Subramanian
For Respondents : Mr.A.Anandan
Government Advocate

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus to call for the records of the third respondent made in impugned award no.29/2021, dated 10.12.2021 passed by the third respondent in Rc.No.143/2020/LA/NH-716B, Unit-IV and quash the same and consequently remit the matter to the third respondent to determine the compensation payable to the petitioner after disclosing all the documents and materials collected by the third respondent for fixing the compensation in terms of Sections 26 to 30 of Right to Fair Compensation and



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Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (in short, "the Act") and pass an award after affording opportunity to the petitioner.

2. The case of the petitioner is that he is the absolute owner of the lands comprised in Survey Nos.917/3B, 917/4B, 949/2B, 949/3B, 950/1, 950/2B, 950/3 and 951/1B2, situated at No.90, Kannigaiper Village, Uthukottai Taluk, Thiruvallur District. On an earlier occasion, a Writ Petition in W.P.No.18811 of 2022 was filed before this Court and this Court, passed an order dated 21.07.2022 and the petitioner herein seeking for similar relief in the present Writ Petition.

3. The learned Senior Counsel appearing for the petitioner, on instructions, submitted that, as against the order passed by the third respondent/Land Acquisition Officer, there is an effective remedy of appeal is available before the District Collector/Arbitrator in terms of Section 3(G)(5) of the Act. According to him, the petitioner received a notice dated 25.09.2021, directing him to appear for an enquiry before the third respondent on 06.10.2021 for determination of amount payable as



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compensation. Further, he submitted that though the award was passed on 10.12.2021, however, the said award copy was not furnished to the petitioner. Therefore, he prayed for passing appropriate orders.

4. Mr.A.Anandan, learned Government Advocate appearing for the respondents has no serious objection for preferring an appeal before the District Collector/Arbitrator.

5. Considering the facts and circumstances of the case, though the award was passed on 10.12.2021, in the award they specifically mentioned that on behalf of the petitioner, no one appeared, and in their absence, the present award is passed. In the meanwhile, the award copy was not furnished to the petitioner earlier and it is furnished to the petitioner based on the legal notice sent by the petitioner on 24.06.2022, and thereby, the petitioner filed the present Writ Petition.

6. In view of the above, this Court permits the petitioner to file an appeal before the District Collector/Arbitrator within a period of two weeks, and if such an appeal is filed, the District Collector/Arbitrator, without



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referring the limitation point, is directed to entertain the appeal filed by the petitioner in terms of Section 3(G)(5) of the Act. Further, this Court is inclined to issue a direction to the District Collector/Arbitrator to afford an opportunity of hearing to the petitioner and pass appropriate orders on merits and in accordance with law and the petitioner is also directed to produce necessary documents in order to prove the value of the property for enhancement of compensation and to enable the petitioner to get fair compensation in terms of Section 26 to 30 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The aforesaid exercise shall be completed within a period of twelve weeks from the date of appeal filed by the petitioner.

7. With the above observations and directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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Index: Yes/ No

Speaking Order : Yes/ No

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M.DHANDAPANI,J.

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