



WEB COPY

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2022

CORAM

THE HONOURABLE MR.JUSTICE M. DHANDAPANI

W.P.NO.25706 OF 2021 AND
W.M.P.NOS.27146 & 27147 OF 2021

1.B.Robinson
2.B.Edwin
3.B.Jayabalan
4.B.Athisayarajan

...Petitioners

Versus

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

2.The District Collector,
Thiruvallur District,
Thiruvallur.

3.The Tahsildar,
Land Acquisition,
Thiruvallur.

...Respondents

PRAYER: Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus, to forbear the respondents from taking possession of the lands until compensation has been paid to the petitioners under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 in Survey No.491/2A1B measuring an extent of 100 Sq.mts at Thozhur Village, Thiruvallur Taluk, Thiruvallur District.

For Petitioners : Mr.David Tyagaraj

For Respondents : Mrs.D.Tamilselvi
Additional Government Pleader

ORDER

This writ petition has been filed to forbear the respondents from taking possession of the lands until compensation has been



paid to the petitioners under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 in Survey No.491/2A1B measuring an extent of 100 Sq.mts at Thozhur Village, Thiruvallur Taluk, Thiruvallur District.

2. The case of the petitioners is as follows:

(i) The petitioners are the owner of the properties situated in Thozhur village in Thiruvallur District and from the date of acquiring the said properties, the petitioners were in possession and enjoyment of the same. According to them, the first respondent had proposed to acquire their lands for the construction of railway over bridge in lieu of the existing Level Crossing No.15 at the railway KM 35/30-32 in between Thiruninravur and Thiruvallur railway station.

(ii) The third respondent issued notice in N.K.No.9250/2008/5.10.2015 dated 05.10.2015 and determined interim compensation. Against the said notice, the petitioners preferred W.P.No.27967 of 2016 before this Court and this Court vide order dated 25.08.2021, allowed the above said writ petition and directed the third respondent to pay the remaining compensation. But, according to the petitioners, the respondents have not paid compensation and trying to illegally take possession of the petitioners' land without paying full compensation. Regarding the same, the petitioners have sent a representation dated 06.11.2021, for payment of compensation. But, till date, there is no response forthcoming from the respondents. Therefore, the petitioners are before this Court with the above prayer.

3. The learned counsel for the petitioners submitted that the second respondent has already fixed the compensation as per the Land Acquisition Act. Till date, the respondents have not furnished the copy of the award to the petitioners to enable them to get a fair compensation. Hence, the learned counsel prays that this Court may direct the respondents to communicate the copy of the award to the petitioners as expeditiously as possible.

4. The learned Additional Government Pleader appearing for the respondents submitted that the copy of the award will be served to the petitioners within a period of two weeks.

5. Heard the learned counsel for the petitioners and the learned Additional Government Pleader appearing for the respondents and perused the materials available on records.

6. Considering the facts and circumstances of the case and the limited relief sought for by the petitioners, this Court



directs the respondents to communicate the copy of the award passed by the second respondent within a period of two weeks from the date of receipt of a copy of this order. The petitioners are at liberty to work out their remedy in the manner known to law.

7. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

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To

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

2.The District Collector,
Thiruvallur District,
Thiruvallur.

3.The Tahsildar,
Land Acquisition,
Thiruvallur.

+2ccs to Mr.David Tyagaraj, Advocate, Sr.No.8760

+1cc to the Government Pleader, Sr.No.8991

W.P.No. 25706 of 2021 and
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SPD(CO)
RVM(08/04/2022)