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W.P.Nos.25846 to 25850 & 25852 to 25854 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2022

CORAM :
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.Nos.25846 to 25850 & 25852 to 25854 of 2022

W.P.No.25846 of 2022:

S.Ramalingam

... Petitioner

Vs.

- 1.The Additional Chief Secretary/
Commissioner of Land Administration,
Ezhilagam,Chepauk,
Chennai – 600 005.
- 2.The District Collector/Land Acquisition Officer,
(Project of Formation of New Broad Gauge Railway line
between Chinna Salem and Kallakurichi),
Kallakurichi, Kallakurichi District.
- 3.The Revenue Divisional Officer,
Kallakurichi,
Kallakurichi District.
- 4.The Special Tahsildar (Land Acquisition),
Southern Railways,
Kallakurichi,
Kallakurichi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India,



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praying for issuance of Writ of Mandamus, directing the second respondent to consider the representation of the petitioner dated 26.07.2016, 13.03.2018 and 16.08.2022 with respect to fixation of market value for the acquisition of the petitioners land in Survey No.158/1A8 to an extent of 0.01.0 hectares situated in Kallakurichi Village, Kallakurichi Taluk and District under Patta No.2909 and consequently direct the respondents to grant an opportunity to the petitioner under Section 7(5) of Tamil Nadu acquisition of Land for Industrial purposes Act, 1997 (Tamil Nadu Act 10 of 1999) and direct the respondents to fix the market value under Sections 26 to 30 of the Rights to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-Settlement Act, 2013 (Central Act No.30 of 2013) within a reasonable time to be fixed by this Court.

For Petitioner : Mr.C.Mahendran
in all W.Ps

For Respondents : Mr.U.Bharanidharan,
in all W.Ps Additional Government Pleader

COMMON ORDER

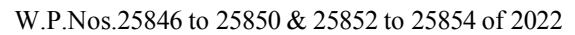
The petitioners has filed these writ petitions for issuance of Writ of Mandamus, directing the second respondent to consider the petitioners' representations with respect to fixation of market value for the acquisition of the petitioners' land situated in Kallakurichi Village, Kallakurichi Taluk and



District and consequently, direct the second respondent to grant an opportunity to the petitioner under section 7(5) of Tamil Nadu Acquisition of land for Industrial purpose Act, 1997 (Tamil Nadu Act 10 of 1999) and direct the second respondent to fix the market value under Sections 26 to 30 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-Settlement Act, 2013 (Central Act No.30/2013) within a reasonable time to be fixed by this Court.

2. Since the issue arises in these writ petitions are one and the same, these petitions are taken up for final disposal.

3. The case of the petitioners is that the petitioners purchased plots in the lay out called “AGS Nagar”, situated at Kallakurichi Village, Kallakurichi Taluk and District and the respective plots was acquired under the provisions of Tamil Nadu Acquisition of land for Industrial Purposes Act, 1997 (Tamil Nadu Act 10 of 1999) for the purpose of formation of New Broad Gauge Railway line between Chinnasalem to Kallakurichi. Thereafter, 3(2) notification was issued on 30.01.2016 under the aforesaid Act, 1997 and pursuant to which the explanation was filed and 3 (1) notification was issued



4. The learned counsel for the petitioners would submit that during the pendency of the land acquisition proceeding, the state has implemented Act 38 of 2019 and extended the benefit of Act 30 of 2013 to the State Land Acquisition Law. Hence, the petitioners are entitle to receive the benefit of Act 30 of 2013.

5. Considering the facts and circumstances of the case, this Court issues a direction to the respondents to pass award in terms of Act 30 of 2013 as per the Act 38 of 2019, within a period of six weeks from the date of receipt of a copy of this order.

6. With the aforesaid direction, these writ petitions are disposed of. No costs.

23.09.2022



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Index : Yes/No

Speaking Order : Yes/No

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M.DHANDAPANI,J.

Vm

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