



W.P.No.26274 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2022

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THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.26274 of 2022

M. Karunanidhi

...Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by Principal Secretary to Government &
Commissioner of Land Administration,
Ehilagam, Chepauk, Chennai – 600 005.
2. The District Collector,
Dharmapuri District.
3. The District Revenue Officer,
Dharmapuri District.
4. The Revenue Divisional Officer,
Harur, Dharmapuri District.
5. The Divisional Engineer,
Highways & Projects, Salem
6. The Assistant Engineer,
Highways & Projects,
Dharmapuri
7. The Tahsildar,
Pappireddipatti Taluk,
Dharmapuri District

...Respondents



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Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to directing the first respondent to consider petitioner's application dated 30.06.2022 to give fair compensation as RFCTLARR Act (right to fair compensation and Transparency in land Acquisition and Rehabilittion and Resettlement Act, 2013 for the lands acquired in survey No.70/3 for an extent of 0.29 Acres situated at kolimekkenur Village, Pappireddipatti (Tk), Dharmapuri District within a reasonable time on merits and pass orders.

For Petitioner : Mr.Krishnasamy Chinnasamy

For Respondents 1 to 4 and 7 : Mr.T.K. Saravanan
Government Advocate

For Respondents 5 and 6 : Mr.K.M.D.Muzhilan
Government Advocate

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the first respondent to consider petitioner's application dated 30.06.2022 to give fair compensation as RFCTLARR Act (right to fair compensation and Transparency in land Acquisition and Rehabilitation and Resettlement Act, 2013 for the lands acquired in survey No.70/3 for an



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extent of 0.29 Acres situated at kolimekkenur Village, Pappireddipatti (Tk),

Dharmapuri District.

2. The learned Government Advocate takes notice for the official respondents. In view of the consent expressed by the learned counsel appearing for either side, this petition is taken up for final disposal.

3. The case of the petitioner is that he had submitted an application on 30.06.2022 to the first and second respondents to award fair compensation as per RFCTLARR Act for the lands acquired in survey No.70/3 for an extent of 0.29 acres situated at Kolimekkenur Village, Pappireddipatti (Tk), Dharmapuri District. However, till date no orders have been passed. Hence, this writ petition is filed with the aforesaid prayer.

4. The learned counsel appearing for the petitioner submitted that the it would suffice, if this Court issues direction to the first and second respondents to consider the petitioner's representation dated 30 .06.2022 and pass appropriate orders within a reasonable time fixed by this Court.



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5. The learned Additional Government Pleader appearing on behalf of the respondents submitted that the petitioner has given application under RFCTLARR Act whereas the petitioner ought to have made an reference under Section 19 of Land Acquisition Act, 1894(collector's Statement to the Court) before the the second respondent/District Collector and thereafter the same will be considered under Section 20 of the Land Acquisition Act 1894 (Service of notice). He further submitted there is no provision for the first and second respondents to consider the petitioner's application.

6. In view of the submissions made by the learned Government Advocate this Court is of the view that in the absence of express provisions the petitioner is directed to submit a representation a fresh under Section 20 of the Land Acquisition Act 1894 within a period of four weeks from the date of receipt of a copy of this order and on filing of such representation the respondents are directed to consider the same and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of filing of such application.



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7. With the above terms, this present writ petition is disposed

of. No costs.

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Speaking Order : Yes/ No

Index : Yes/ No

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To

1. The Commissioner of Land Administration,
Ehilagam, Chepauk, Chennai – 600 005.

2. The District Collector,
Dharmapuri District.

3. The District Revenue Officer,
Dharmapuri District.

4. The Revenue Divisional Officer,
Harur, Dharmapuri District.

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7. The Tahsildar,
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M.DHANDAPANI,J.

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