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W.P.Nos.26154 & 26158 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2022

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.Nos.26154 & 26158 of 2022

R.Harikrishnan
S.Atthayi

... Petitioner in W.P.No.26154 of 2022
... Petitioner in W.P.No.26158 of 2022

Versus

1.The District Collector/Land Acquisition Officer
(Project of Formation of New Broad Gauge Railway line)
Between Chinna Salem and Kallakurichi
Kallakurichi, Kallakurichi District

2.The Revenue Divisional Officer
Kallakurichi, Kallakurichi District

3.The Special Thasildar (LA)
Southern Railways
Kallakurichi
Kallakurichi District

.. Respondents in W.P.No.26154 of 2022

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,



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3.The Revenue Divisional Officer
Kallakurichi, Kallakurichi District

4.The Special Thasildar (LA)
Southern Railways
Kallakurichi
Kallakurichi District

.. Respondents in W.P.No.26158 of 2022

Prayer in W.P.No.26154 of 2022: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 1st Respondent to refer the request/reference application submitted by the petitioner on 20.04.2022 under Section 8 of Tamil Nadu Acquisition of Lands of Industrial Purposes Act 1997(Tamil Nadu Act 10/1999) and consequently direct the Respondents to pay the award amount respect of 0.17.0 hectares in Survey No.155/2A1B with interest at 12 percentage per annum from 01.04.2022 till date of payment without prejudice to the Petitioners claim to seek enhancement of compensation with respect to the land of the petitioners herein comprised in Survey No. 155/2A1B 0.17.0 hectares properties situated at Thachur Village Kallakurichi Taluk and Kallakurichi District in Award No. 07/2022 in Na.Ka. AA1/2674/2019 dated 25.03.2022.

Prayer in W.P.No.26158 of 2022: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the Respondent herein to refer the award No. 7/2022 in Na.Ka.AA1/2674/2019 dated 25.3.2022 too the Competent Court under Section 8 and Section 10 of the Tamil Nadu Acquisition of lands for Industrial Purposes Act 1997(Tamil Nadu Act 10/1999) for the purpose of determination of title of the land and for the deposit of compensation amount determined under the award for he acquired the land and seek enhanced compensation for the development of the land by the Petitioner with respect to survey No 166/2B for an extant of 0.26.5 of land situate in Thachur Village Kallakurichi Taluk and Kallakurichi District.

In both cases

For Petitioner	: Mr.C.Mahendaran
For Respondents	: Mr.U.Bharanidharan
	Additional Government Pleader



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COMMON ORDER

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These writ petitions are filed seeking to direct the first respondent and second respondent respectively to refer the request/reference application submitted by the petitioners under Section 8 of Tamil Nadu Acquisition of Lands of Industrial Purposes Act 1997 (Tamil Nadu Act 10/1999) for the purpose of determination/enhancement of compensation amount determined under the awards.

2. According to the petitioners, their respective lands admeasuring 0.21.0 in S.No.155/2A and and 0.43.5 hectares in S.Nos.166/1B and 166/2B situated in Enapper and Thachur Village respectively at Kallakurichi Taluk, Kallakurichi District was sought to be acquired under the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (hereinafter referred to as 'Act') for the purpose of formation of New Broad Gauge Railway Line between Chinnasalem and Kallakurichi. Further, the respondents officials issued notices under Section 7(2) and 7(5) of the Act to the petitioners and upon hearing, a Common Award was passed under Section 7 of the Act on 25.03.2022. However, even till date, the compensation amount has not been deposited in favour of the petitioners. Further, as aggrieved with the compensation amount, they made representations



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to the concerned respondents on 20.04.2022 and 22.04.2022 respectively seeking for deposit of the compensation amount and reference of the matters to the competent Civil Court for redetermination of compensation amount under Section 8 of the Tamil Nadu acquisition of Lands for Industrial Purposes Act, 1997 read with Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act No.30 of 2013) which are pending without consideration till date. Hence, these petitions.

3. Heard both sides and perused the materials placed on record.

4. Considering the facts and circumstances of this case, this Court directs the respondents official to deposit the award amount in favour of the petitioners within a period of four weeks with applicatble interest within a period of four weeks from the date of receipt of a copy of this Order and, further, the concerned respondent is directed to consider the petitioner's representation dated 20.04.2022 and 22.04.2022 respectively seeking reference of the matters to the competent Civil Court for redetermination of compensation amount under Section 8 of the Act read with Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013



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(Act No.30 of 2013) and pass appropriate order(s) on merits and in accordance with law within a period of four weeks thereafter.

5. Accordingly, these writ petitions are disposed of with the above directions. There shall be no order as to costs.

27.09.2022

Internet: Yes/No

Index: Yes/No

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To

1.The Additional Chief Secretary/
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M.DHANDAPANI, J.

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