



W.P.Nos.26271, 26275, 26277, 26281, 26284 & 26286 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2022

CORAM :
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**W.P.Nos.26271, 26275, 26277, 26281,
26284 & 26286 of 2022**

W.P.No.26271 of 2022:

P.Vaiyapuri

... 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

Page No.1 of 7



W.P.Nos.26271, 26275, 26277, 26281, 26284 & 26286 of 2022

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PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents herein to refer the award No.7/2022 in Na.Ka.AA1/2674/2019 dated 25.03.2022 to 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 the compensation amount determined under the award for the acquired the land and seek enhanced compensation for the development of the land by the petitioner with respect to survey No.164/1B2 for an extent of 0.34.0 hectares of land situate in Thachur Village, Kallakurichi Taluk and Kallkurichi District 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 respondents herein to refer the award No.7/2022 in Na.Ka.AA1/2674/2019 dated 25.03.2022 to the Competent Court under



W.P.Nos.26271, 26275, 26277, 26281, 26284 & 26286 of 2022

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 the compensation amount determined under the award for the acquired the land and seek enhanced compensation for the development of the land by the petitioner with respect to survey No.164/1B2 for an extent of 0.34.0 hectares of land situate in Thachur Village, Kallakurichi Taluk and Kallkurichi District 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 are owners of the properties situated in Kallakurichi District and their lands were acquired under the Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997 (Tamil Nadu Act 10/1999) for laying Broad Gauge Railway line between Chinnasalem and Kallakurichi. Thereafter, the second respondent passed an award of compensation for the aforesaid lands without considering the development to the land made by the petitioners. Later, the said



W.P.Nos.26271, 26275, 26277, 26281, 26284 & 26286 of 2022

compensation was withheld by the respondents. Therefore, the petitioners made an individual applications before the second respondent for referring the matter Competent Court to establish their title and for fair compensation under Section 8 and 10 of the Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997 (Tamil Nadu Act 10/1999), however, till date, the said applications was not considered. Hence, the present writ petition.

4. Though very many grounds have been raised in these writ petitions, learned counsel for the petitioners' would submit that this Court may issue a direction to the respondents to consider the petitioners' individual application under section 8 and 10 of the Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997 (Tamil Nadu Act 10/1999).

5. Learned counsel for the petitioners' further submitted that in regard to W.P.No.26286 of 2022, the award was passed on 31.03.2020 and due to Covid-19 pandemic, the petitioner has not made an application within a prescribed time limit as directed by the Act. However, he made an application dated 05.07.2022.



W.P.Nos.26271, 26275, 26277, 26281, 26284 & 26286 of 2022

6. Learned Additional Government Pleader appearing for the respondents would submit that the official respondents withheld the amount under the ground that the aforesaid lands are DC lands. However, he submitted that the petitioners' representation will be considered and the matter will be referred to the Competent Court in terms of Section 10 (3) of the said Act for determination of compensation amount.

7. Considering the facts and circumstances of the case and the limited relief sought for by the petitioners', this Court, without going into the merits of the case, directs the second respondent to dispose of the petitioners' individual representation in terms of Section 10 (3) of the Act, after affording reasonable opportunity of hearing to the petitioners' as well as aggrieved persons, if any, within a period of 12 weeks from the date of receipt of a copy of this order.

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

28.09.2022

Page No.5 of 7



W.P.Nos.26271, 26275, 26277, 26281, 26284 & 26286 of 2022

vm

Index : Yes/No

Speaking Order : Yes/No

M.DHANDAPANI,J.

vm

To:

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Page No.6 of 7



WEB COPY



W.P.Nos.26271, 26275, 26277, 26281, 26284 & 26286 of 2022

**W.P.Nos.26271, 26275, 26277, 26281,
26284 & 26286 of 2022 of 2022**

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