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W.P.Nos.28156, 28172 and 28178 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.28156, 28172 and 28178 of 2022

A.Mujbhur Rahman	... Petitioner in W.P.28156/2022
D.Jayaraman	... Petitioner in W.P.28172/2022
C.Muthukannan	... Petitioner in W.P.28178/2022

Vs.

1.The District Revenue Officer,
Chengalpattu District,
Chengalpattu.

2.The Special Deputy Collector
Land Acquisition,
Tamil Nadu Township Development Scheme III,
Alandur,
Chennai – 600 016. ... Respondents in all the W.Ps.

Prayer in W.P.No.28156 of 2022:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 23.03.2022, sent for a fair compensation, particularly four time of the market value as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Bill, 2013 for the acquired land and



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building property, situated at No.1/89, 1/90, East Coast Road, Palavakkam, Chennai – 600 041, comprised in Survey No.79/53B to an extent of 344.45 sq.ft.

Prayer in W.P.No.28172 of 2022:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 23.03.2022, sent for a fair compensation, particularly four time of the market value as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Bill, 2013 for the acquired land and building property, situated at No.1/86, East Coast Road, Palavakkam, Chennai – 600 041, comprised in Survey No.79/42B to an extent of 94 sq.mts.

Prayer in W.P.No.28178 of 2022:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 23.03.2022, sent for a fair compensation, particularly four time of the market value as per the



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Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Bill, 2013 for the acquired land and building property, situated at No.1/38, Bharathi Nagar 1st Street, Palavakkam Village, Chennai – 600 041, Patta No.1143, comprised in Survey Nos.79/2A1A (as per Patta No.79/2), to an extent of 1740 sq.ft. (1.5 ares).

For Petitioners : Mr.R.Thanjan
For Respondents : Mr.U.Baranidharan
Additional Government Pleader

COMMON ORDER

The petitioners have filed these writ petitions seeking issuance of Writ of Mandamus directing the respondents to consider their representation dated 23.03.2022 seeking fair compensation, as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) for the acquired land and building property.

2.Since the issue involved in all these writ petitions are one and the same, they are heard together and disposed of by way of a common order.



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3.The case of the petitioners is that the petitioners are the owners of the subject lands and their lands were acquired under the Tamil Nadu Highways Act, 2001 and award was passed on 04.12.2015. Aggrieved by the meagre amount of compensation, one of their neighbour filed writ petition in W.P.No.15036 of 2020 before this Court and pursuant to the order of this Court dated 29.10.2020 made in the said writ petition, final award was passed on 07.01.2021 enhancing the compensation.

4.According to the petitioners, the enhanced compensation was also not fair as per the prevailing market value and hence, the petitioners made representation to the respondents seeking fair compensation as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) and since the same was not considered, have filed these writ petitions.

5.The learned counsel appearing for the petitioners submitted that without going into the merits of the case, it would suffice, if this Court issues direction to the respondents to consider the petitioners



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representation dated 23.03.2022 and to pass appropriate orders, in terms of Central Act 30 of 2013.

6.The learned Additional Government Pleader submitted that though final award was passed on 07.01.2021, the petitioners have made representation seeking enhancement of compensation in terms of Central Act 30 of 2013 only on 23.03.2022, after a lapse of 60 days which is beyond the period of limitation prescribed under Section 20 of the Act and further submitted that the petitioners did not make representation for enhancement of compensation under Section 20 of the Act, however, made representation before the Land Acquisition Officer and further submitted that once award was passed, the Land Acquisition Officer do not have power to enhance the award amount and only the competent Civil Court have the power to enhance the award amount in terms of Section 20 of the Act. He further submitted that the petitioners have received the entire compensation.

7.Admittedly, petitioners lands were acquired under the Tamil Nadu Highways Act, 2001 and final award was passed on 07.01.2021. As rightly pointed out by the learned Additional Government Pleader,



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though final award was passed on 07.01.2021, the petitioners have made representation seeking enhancement of compensation in terms of Central Act 30 of 2013 only on 23.03.2022, after a lapse of one year, beyond the period of limitation prescribed under Section 20 of the Act, which is impermissible in law. Hence, the relief sought for in these writ petitions cannot be considered.

8.These writ petitions are dismissed. No costs.

27.10.2022

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

1.The District Revenue Officer,
Chengalpattu District,
Chengalpattu.

2.The Special Deputy Collector
Land Acquisition,
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M.DHANDAPANI,J.
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