



W.P.No.27795 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2022

CORAM

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

W.P.No.27795 of 2022

P. Balasubramaniam

...Petitioner

Vs.

1. The District Collector of Kanchipuram
Collectorate Kanchipuram,
Thaiyarkullam, Kanchipuram 631 501.

2. The Special Thsildar(Land Acquisition),
Sipcot Scheme II,
Sriperubudur Expansion Scheme II,
Sriperumbudur, Kanchipuram – 602 105.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to refer the request/reference application submitted by the petitioner vide letter dated 25.07.2022 under Section 8 of Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997 (Tamil Nadu Act 10/1999) r/w Section 64 of right to Fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013) with respect to the Award in Na.Ka.10/2010/A dated 10.10.2013 passed by the second



W.P.No.27795 of 2022

respondent in respect of acquisition of the lands owned by the petitioner in renumbered as Survey No.142/5A1 in Vadakkal B Village, Sriperubudur comprising a total extent of 76182 sq.ft within a reasonable time as fixed by this hon'ble Court and pass orders.

For Petitioner : Mr. S. Varsha

For Respondents : Mr.B. Vijay
Additional Government Pleader

ORDER

By consent of both the parties this writ petition is taken up for disposal at the admission stage itself.

2. The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the 1st respondent to refer the request/reference application submitted by the petitioner vide letter dated 25.07.2022 under Section 8 of Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997 (Tamil Nadu Act 10/1999) r/w Section 64 of right to Fir



W.P.No.27795 of 2022

compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013) with respect to the Award in N.Ka.10/2010/A dated 10.10.2013 passed by the second respondent in respect of acquisition of the lands owned by the petitioner in renumbered as Survey No.142/5A1 in Vadakkal B Village, Sriperubudur comprising a total extent of 76182 sq.ft and pass orders.

3. The case of the petitioner is that the the 2nd respondent has acquired the petitioner's land and passed an award on 10.10.2013. The grievance of the petitioner is that the 2nd respondent without assessing the correct value of the property has fixed a meagre compensation. Hence, the petitioner raised objection before the authorities concerned requesting reference to the Court for determination of enhanced market value and also made a reference to the Court through the officer as mandated by the Right to Fair compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (RRCTLARR ACT). However, till date the same has not been considered. Hence this petition.



W.P.No.27795 of 2022

4. The learned counsel for the petitioner submitted the authorities concerned have fixed a very low value for the petitioner's land. He further submits that though the award was passed on 10.10.2013 he received the award copy only on 03.01.2014. He further submits that it would be suffice if this Court issues a direction to the first respondent to consider his representation dated 25.07.2022.

5. The learned Additional Government Pleader appearing for the respondents would submit that the award was passed in the year 2013 and the petitioner has made reference after a lapse of one year whereas according to the law he should make reference only within a period of 60 days.

6. Heard both sides and perused the materials available on record.

7. Considering the limited relief sought for by the petitioner this Court directs the first respondent to consider the petitioner's petition dated 25.07.2022 within a period of twelve (12) weeks from the date of receipt of a copy of this order.



W.P.No.27795 of 2022

WEB COPY 8. With the above terms, this present writ petition is disposed of. No costs. Consequently the connected miscellaneous petition is closed.

19.10.2022

Speaking Order : Yes/ No
Index : Yes/ No

smn

To

1. The District Collector of Kanchipuram
Collectorate Kanchipuram,
Thaiyarkullam, Kanchipuram 631 501.
2. The Special Thsildar(Land Acquisition),
Sipcot Scheme II,
Sriperubudur Expansion Scheme II,
Sriperumbudur, Kanchipuram – 602 105.



WEB COPY



W.P.No.27795 of 2022

M.DHANDAPANI,J.

smn

W.P.No.27795 of 2022

19.10.2022