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W.P.No.27940 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.10.2022

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.27940 of 2022

K. Senthil Kumar

... 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 District Revenue Officer,
Kallakurichi, Kallakurichi District.
4. The Special Tahsildar (Land Acquisition),
Southern Railways, Kallakurichi, Kallakurichi District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the 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



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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 land and seek enhanced compensation for the development of the land by the petitioner with respect to survey No.173/2B for an extent of 0.14.0 hectares of land situated in Thachur Village, Kallakurichi Taluk and Kallakurichi District within a reasonable time to be fixed by this Hon'ble court and pass orders.

For Petitioner : Mr.C. Mahendran

For Respondents : Mr.U. Bharanidharan
Additional Government Pleader

ORDER

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

2. This Writ Petition has been filed for the 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 land and seek enhanced compensation for the development of the land by the petitioner



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with respect to survey No.173/2B for an extent of 0.14.0 hectares of land situated in Thachur Village, Kallakurichi Taluk and Kallakurichi District

3. The case of the petitioner is that the petitioner became the absolute owner of the subject property by way of partition deed which was registered as document No.3358 of 2011. While so, the said land was acquired for formation of New Broad gauge Railway line between Chinnasalem and Kallakurichi under the Industrial Purposes Act, 1997. In order to determine the compensation, the petitioner also participated in the Award proceedings and also produced all the documents to prove the title of the petitioner with respect to the aforesaid property. However, the compensation amount was not disbursed to the petitioner, on the ground that the land was acquired, in violation of the condition of assignment, whereby they refused to pay the compensation to the petitioner. Hence the present writ petition is filed for the aforesaid prayer.

4. The learned counsel for the petitioner submitted that after the year 1962 there were several alienations in favour of several persons. Lastly the petitioner, his father and brother Kumaresan entered into partition vide document No. 3358 of 2011. Thereafter the patta was also mutated in the



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name of the petitioner. He further contend that the authorities concerned refusing to pay the compensation to the petitioner who is the absolute owner of the subject property is not sustainable one. Hence he submits it would be suffice to refer the matter under Section 10(3) of the Act, on considering the petitioner's representation dated 02.05.2022 and pass appropriate orders within the time frame stipulated by this Court.

5. Heard the learned counsel for the petitioner as well as the learned additional Government pleader appearing for the respondents and perused the materials available on record.

6. Admittedly the facts of the case is not in dispute that the petitioner's claim is that he is the owner of the subject property and the said land is acquired for the purpose of invoking the provisions of the Industrial Purposes Act for erecting New Broad Gauge Railway line between Chinnasalem and Kallakurichi. However the petitioner representation dated 02.05.2022 was not considered.

7. In view of the above, this Court is inclined to issue a direction to the second respondent to consider the petitioner's representation dated



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02.05.2022 and pass appropriate orders, either under section 8 or under Section 10(3) of Industrial Purposes Act, within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the aforesaid direction, this Writ Petition stands disposed of.

No costs.

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Index: Yes/ No

Internet: Yes/No

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M.DHANDAPANI,J.

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