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W.P.No.28579 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2022

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

W.P.No.28579 of 2022
and
W.M.P.No.27872 of 2022

D. Kumaran

...Petitioners

Vs.

1. Government of Tamil Nadu,
represented by its Additional Chief Secretary,
Highways and Minor Ports Department,
Secretariat, Chennai – 600 009.
2. The District Collector,
Thiruvarur District.
3. The District Revenue Officer,
Thiruvarur
4. Special District Revenue Officer (L.A.O)
Chennai- Kanyakumari Industrial
Corridor Project, Kumbakonam.
5. Tahsildar,
Mannargudi Taluk, Thiruvarur District.

...Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the District Revenue Officer, Tiruvarur, the third respondent herein or the fourth respondent herein to make necessary reference under section 20(1) of the Tamil Nadu Highways Act, 2001(Tamil Nadu Act 34/2002) to the competent Court with respect to the lands of the petitioner comprised in Old S.No.222, New S.No.222/2 in an extent of 0.33.0 ares and Old S.No.223/3, New S.No.223/3A, in an extent of 0.22.0 are and situated in No.18, Mudhalsethi Village, Mannargudi Taluk, Tiruvarur District that is the subject matter of the Award No.12/2020 in Na.Ka 8401/2011/U-1, dated 18.12.2020 on the file of the third respondent herein and pass orders.

For Petitioner : Mr.N. Damadoran
For Respondents : Mr K.M.D. Muhilan
Additional Government Pleader

ORDER

The petitioner has filed this writ petition seeking for issuance of a



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Writ of Mandamus directing the District Revenue Officer, Tiruvarur, the

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third respondent herein or the fourth respondent herein to make necessary reference under section 20(1) of the Tamil Nadu Highways Act, 2001(Tamil Nadu Act 34/2002) to the competent Court with respect to the lands of the petitioner comprised in Old S.No.222, New S.No.222/2 in an extent of 0.33.0 ares and Old S.No.223/3, New S.No.223/3A, in an extent of 0.22.0 are and situated in No.18, Mudhalsethi Village, Mannargudi Taluk, Tiruvarur District that is the subject matter of the Award No.12/2020 in Na.Ka 8401/2011/U-1, dated 18.12.2020 on the file of the third respondent.

2. The learned Additional Government Pleader takes notice for the official respondents. In view of the consent expressed by the learned counsel appearing for either side, this petition is taken up for final disposal.

3.The case of the petitioner is that the fourth respondent acquired the petitioner's land for the purpose of forming Ring Road to Mannargudi Town branch and passed an award on 18.12.2020 wherein the compensation was determined. Not being satisfied with the compensation amount the petitioner made a representation to the third respondent on 24.09.2022 to refer the



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matter to the Competent Court under Section 20(1) of the Tamil Nadu Highways Act, 2001 (Act/34/2002) for determination of the compensation under the provisions of Central Act 30 of 2013. But till date the matter was not referred to the competent Civil Court. However the petitioner has filed this writ petition with the afore said prayer.

4. The learned counsel appearing for the petitioner submitted that though the award was passed on 18.12.2020, the petitioner received the award copy only on 11.08.2021 and he has made reference on 08.09.2021 which is well within the stipulated time as per the provisions of the Act. Hence he prays this Court to pass appropriate orders.

5. The learned Spl. Government Pleader appearing on behalf of the respondents submitted that the petitioner has not made reference within the time limit as prescribed by the provisions of the act. The award was passed on 18.12.2020 whereas the petitioner has made reference on 08.09.2021 i.e after one year from the date of passing of the award. Hence he prays for dismissal of the writ petition.



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7. In view of the above this Court directs the 3rd Respondent/District Revenue Officer to verify whether the award copy was served on the petitioner within the stipulated time and the petitioner has also made a reference within the time limit as prescribed by the act and pass orders in accordance with law.

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

31.10.2022

Speaking Order : Yes/ No

Index : Yes/ No

smn

To

1. Government of Tamil Nadu,
Highways and Minor Ports Department,
Secretariat, Chennai – 600 009.
2. The District Collector,

5/7



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Thiruvarur District.

3. The District Revenue Officer,

Thiruvarur

4. Special District Revenue Officer (L.A.O)

Chennai- Kanyakumari Industrial

Corridor Project, Kumbakonam.

5. Tahsildar,

Mannargudi Taluk, Thiruvarur District.

M.DHANDAPANI,J.

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