



WEB COPY



W.P.No.29200 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.29200 of 2022

1.T.Ramasamy

2.T.Sivakumar

... Petitioners

Vs

1.The District Collector/ Land Acquisition Officer,
(Project of Formation of New Broad Gauge Railway line
between Chinna Salem and Kallakurichi),
Kallakurichi, Kallakurichi District.

2.The District Revenue Officer,
Kallakurichi, Kallakurichi District.

3.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 Writ of Mandamus, directing the 1st respondent to refer the request/ reference application submitted by the petitioner on 19.04.2022 under Section 8 Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997 (Tamil Nadu Act 10/1999) and consequently, direct the respondents to pay the award amount of Rs.2,00,501/- together with interest at 12% per annum from 01.04.2022 till date of payment without prejudice to the petitioner's claim to



W.P.No.29200 of 202_

seek enhancement of compensation with respect to the land of the petitioner's claim to seek enhancement of compensation with respect to the land of the petitioner's herein comprised in Survey No.154/1A1 0.03.5 hectares properties situated at Thachur Village, Kallakurichi Taluk and Kallakurichi District in award No.07/2022 in Na.Ka.AA1/2674/2019 dated 25.03.2022.

For Petitioners : Mr.C.Mahendran

For Respondents : Mr.B.Vijay
Additional Government Pleader

ORDER

This Writ Petition has been filed to direct the 1st respondent to refer the request/ reference application submitted by the petitioner on 19.04.2022 under Section 8 Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997 (Tamil Nadu Act 10/1999) and consequently, direct the respondents to pay the award amount of Rs.2,00,501/- together with interest at 12% per annum from 01.04.2022 till date of payment without prejudice to the petitioner's claim to seek enhancement of compensation with respect to the land of the petitioner's claim to seek enhancement of compensation with respect to the land of the petitioner's herein comprised in Survey No.154/1A1 0.03.5 hectares properties situated at Thachur Village, Kallakurichi Taluk and Kallakurichi District in award No.07/2022 in Na.Ka.AA1/2674/2019 dated 25.03.2022.

2.The case of the petitioners is that the 1st petitioner is the brother of the



2nd petitioner and they are the absolute owner of the properties by virtue of a family Settlement Deed registered as Doc.No.824 of 2002 dated 05.07.2002 on the file of the Sub Registrar, Kallakurichi. While so, to acquire the lands for formation of New Broad Gauge Railway line between Chinnasalem and Kallakurichi, the 1st respondent sent a proposal to the Government, in which the petitioner's land was also covered. Based on the said proposal, the Government passed a Government Order in G.O.Ms.No.111, Transport (I.1) Department dated 12.06.2012 accorded administrative sanction under the urgency provision of Section 17(2) of the Land Acquisition Act, 1894 (Central Act 1/21894). Thereafter, the 1st respondent issued a notice dated 03.03.2018 under Section 7(2) of the Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997, for which the petitioner also filed his objections. Another notice was also issued by the 1st respondent under Section 7(5) of the Act, for which the petitioner appeared in personal and filed his objection on 04.02.2020. However, the compensation amount of Rs.2,00,501/- was determined in Award No.07/2022 in Na.Ka.No.AA1/2674/2019 dated 25.03.2022. Till date the same has not been deposited in favour of the petitioners. Being not satisfied with the Award amount, the petitioners made a request on 19.04.2022 to the 1st respondent to refer the issue to the appropriate



authority/ Competent Court for redetermination of the compensation amount together with interest at 12% per annum from 01.04.2022 till the date of payment. Till date no order has been passed and hence, the petitioners has come forward with the present Writ Petition.

3.Learned counsel appearing for the petitioners would submit that the petitioners land was acquired under Industrial Purposes Act for the formation of New Broad Gauge Railway line between Chinnasalem and Kallakurichi. Though the Award No.07/2022 in Na.Ka.No.AA1/2674/2019 was passed on 25.03.2022, however, the Award passed by the Land Acquisition Officer is very meager and being not satisfied with the Award, the petitioner made an application dated 19.04.2022 to refer the matter under Section 8 of the Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997 to the Reference Court. However, till date no order was passed. Hence, the present Writ Petition is filed and he prayed for appropriate order.

4.Learned counsel appearing for the petitioner would further submit that this Court may issue direction to the 3rd respondent to disburse the compensation amount with applicable interest from the date of the Award till



the date of payment and issue a direction to the 2nd respondent to consider the petitioner's representation dated 19.04.2022 under Section 8 Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997 (Tamil Nadu Act 10/1999).

5.Learned Additional Government Pleader appearing for the respondents submitted that the compensation amount will be disbursed as applicable to the petitioners, if not already disbursed and the reference will be considered in the manner known to law.

6.Heard, the learned counsel appearing for the petitioners and the learned Additional Government Pleader appearing for the respondents.

7.Considering the facts and circumstances of the case, this Court is inclined to pass the following order:

(i)The 3rd respondent is directed to disburse, the compensation amount to the petitioners within a period of twelve weeks from the date of receipt of a copy of this order

(ii)The 2nd respondent is directed to consider the petitioner's



W.P.No.29200 of 202_

WEB COPY

application dated 19.04.2022 in terms of Section 8 Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997 (Tamil Nadu Act 10/1999), within a period of six weeks from the date of receipt of a copy of this order.

8. With the above directions, this Writ Petition is disposed of. No costs.

03.11.2022

Index : Yes/No
Speaking Order : Yes/No
gba

To

1. The District Collector/ Land Acquisition Officer,
(Project of Formation of New Broad Gauge Railway line
between Chinna Salem and Kallakurichi),
Kallakurichi, Kallakurichi District.
2. The District Revenue Officer,
Kallakurichi, Kallakurichi District.
3. The Special Tahsildar (Land Acquisition),
Southern Railways,
Kallakurichi, Kallakurichi District.



WEB COPY



W.P.No.29200 of 2022_

M.DHANDAPANI,J.

gba

W.P.No.29200 of 2022



WEB COPY



W.P.No.29200 of 202_

03.11.2022