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W.P.No.30762 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :18.11.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.30762 of 2022

Mr.Devendiraprabhu

... Petitioner

Vs.

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

2.The Special Tahsildar (Land acquisition),
Southern Railways,
Kallakurichi, Kallakurichi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the 1st respondent to refer the reference application submitted by the petitioner by way of representation dated 02.05.2022 seeking for 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) to the Competent Court to determine the appropriate compensation with respect to the land acquired from the petitioner situated at Tachur Village, Kallurichi



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Taluk and District, comprised in Survey No.173/1A2 measuring an extent of 28 Ares, in Award No.07/2022 in Na.Ka.AA1/2674/2019 dated 25.03.2022 with in a reasonable time fixed by this Court.

For Petitioner : Mr.P.Vasanth

For Respondent : Mr.U.Baranidharan
Additional Government Pleader

ORDER

This Writ Petition has been filed to direct the 1st respondent to refer the reference application submitted by the petitioner by way of representation dated 02.05.2022 seeking for 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) to the Competent Court to determine the appropriate compensation with respect to the land acquired from the petitioner situated at Tachur Village, Kallurichi Taluk and District, comprised in Survey No.173/1A2 measuring an extent of 28 Ares, in Award No.07/2022 in Na.Ka.AA1/2674/2019 dated 25.03.2022 with in a reasonable time fixed by this Court.



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2.The case of the petitioner is that respondents acquired the petitioner's lands situated at Thachur village, Kallakurichi Taluk and District comprised in S.No.173/1A2 measuring an extent of 28 Ares for the purpose of formation of New Broad Gauge Railway line from Chinna Salem to Kallakurich under the Tamil Nadu acquisition of lands for Industrial Purposes Act, 1997. Thereafter, the 1st respondent passed an Award in Award No.07/2022 in Na.Ka.AA1/2674/2019 dated 25.03.2022 and the same was communicated to the petitioner on 02.05.2022. While so, the petitioner made an application to the 1st respondent in terms of Section 8 of the Act read with Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, to refer the matter to the appropriate authority/ court for re-determination of the compensation amount. Despite the receipt of the petitioner's request, no action was taken. Hence, the present Writ Petition.

4.Learned counsel for the petitioner submits that it would suffice if this Court issues direction to the 1st respondent to consider the reference application submitted by the petitioner by way of representation dated 02.05.2022 and pass orders on the same within a particular time frame fixed by this Court.



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5 .Mr.U.Bharanidharan, the learned Government Advocate appearing for the respondents submits that if any direction is given by this Court, the same will be complied with.

6.In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs the 1st respondent to consider the reference application submitted by the petitioner by way of representation dated 02.05.2022, on merits and in accordance with law and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order.

7.This Writ Petition is accordingly is disposed of. No costs.

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Index : Yes / No
Speaking order : Yes / No
gba

To

<https://www.mhc.tn.gov.in/judis>



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M.DHANDAPANI, J.

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