



W.P.No.31711 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2022

CORAM:

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

W.P.No.31711 of 2022

and

W.M.P.Nos.31153 & 31154 of 2022

T.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.
4. The Revenue Divisional Officer,
Kallakurichi,
Kallakurichi District.
5. The District Registrar (Administration),
Kallakurichi,
Kallakurichi District.



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6. 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 issuance of a Writ of Certiorarified Mandamus, calling for the records of the fifth respondent in Na.Ka.No.2534/A3/2020 dated 11.10.2021 and consequential proceedings of the third respondent in Na.Ka.No.AA1/2674/2019 dated 07.11.2022 and quash the same consequently direct the second respondent to fix the compensation for the lands in Survey Nos.225/1A, 228/1, 229/3A, 229/6A, 230/2B, 230/7B and 231/7B2 situated at Kallakurichi Village, Kallakurichi Taluk and District belonging to the petitioner based on the report submitted by the fifth respondent in proceedings No.Na.Ka.No.880/A3/2018 dated 13.04.2018 by affording the opportunity to the petitioner to take part in the enquiry for the purposes of fixation of compensation.

For Petitioner	:	Mrs.Dakshayani Reddy for Mr.C.Mahendran
For Respondents	:	Mr.K.M.D.Muhilan Government Advocate

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Certiorarified Mandamus to call for the records of the fifth respondent in Na.Ka.No.2534/A3/2020 dated 11.10.2021 and consequential proceedings



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of the third respondent in Na.Ka.No.AA1/2674/2019 dated 07.11.2022 and quash the same consequently direct the second respondent to fix the compensation for the lands in Survey Nos.225/1A, 228/1, 229/3A, 229/6A, 230/2B, 230/7B and 231/7B2 situated at Kallakurichi Village, Kallakurichi Taluk and District belonging to the petitioner based on the report submitted by the fifth respondent in proceedings No.Na.Ka.No.880/A3/2018 dated 13.04.2018 by affording the opportunity to the petitioner to take part in the enquiry for the purposes of fixation of compensation.

2. The case of the petitioner is that the petitioner is the absolute owner of the aforesaid properties, which is sought to be acquired for the purpose of erecting new Broad Gauge Railway line between Chinnasalem and Kallakurichi. On 21.12.2017, issued notification under Section 3(1) of the Acquisition of Land for Industrial Purposes Act, 1997 (Act 10 of 1999) (in short, "the Act") and notice issued under Section 7(2) of the Act to the petitioner. After issuance of notification, the petitioner had participated in the award proceedings, he came to know that the fifth respondent/District Registrar forwarded the guideline value of the



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aforesaid properties to the Land Acquisition Officer for fixing the guideline value, based on which, the Land Acquisition Officer going to value the aforesaid properties. Aggrieved over the same, the petitioner had filed the present Writ Petition.

3. The learned counsel for the petitioner would submit that the guideline value fixed by the fifth respondent/Registration Official is only guiding the Land Acquisition Officer to fix the compensation for the aforesaid properties. Further, she submitted that provisions under The Right to Fair Compensation and Transparency in Acquisition Rehabilitation and Resettlement Act, 2013 (in short, "Act 30 of 2013") prescribed the procedures for awarding the compensation by considering the market value of the properties at the relevant point of time. However, without considering the same, the Land Acquisition Officer going to pass award in terms of communication dated 11.10.2021 made by the fifth respondent, which is legally unsustainable.

3.1 The learned counsel appearing for the petitioner, on instructions, would submit that it would suffice, if this Court may issue a



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direction to the second and third respondents to afford an opportunity of hearing to the petitioner and pass appropriate orders in terms of Section 26 of Act 30 of 2013 within a reasonable time as may be fixed by this Court.

4. The learned Government Advocate appearing for the respondents would submit that the second and third respondents will follow the procedures contemplated under Section 26 of Act 30 of 2013 and award will be passed after affording opportunity to the petitioner.

5. Considering the facts and circumstances of the case, the grievance of the petitioner is that the sixth respondent going to pass award in terms of communication dated 11.10.2021 made by the fifth respondent. However, the fact remains that while passing an award, there is a mechanism available in terms of Section 26 of Act 30 of 2013. Considering the limited request made by the petitioner, this Court is inclined to issue a direction to the second and third respondents to follow the procedures contemplated under Act 30 of 2013 and pass appropriate orders after affording fresh hearing to the petitioner. The aforesaid exercise shall be completed within a period of six weeks from the date of



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receipt of a copy of this order.

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6. With the above observations and direction, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

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Index: Yes/No

Speaking Order : Yes/ No

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