



W.P.No.32364 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2022

CORAM:

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

W.P.No.32364 of 2022
and
W.M.P.No.31760 of 2022

1. K.Periyasamy
2. K.Jothi

... Petitioners

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,



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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 Mandamus, directing the first respondent to give a fair opportunity to the petitioners for determination of market value under Section 7(5) of the Acquisition of land for Industrial Purposes Act, 1997 (Act 10 of 1999) by accepting the sale deeds which the petitioners produced at the time of hearing of Section 7(5) of the Acquisition of land for Industrial Purposes Act, 1997 (Act 10 of 1999) hearing and consequently direct the first respondent to give due weightage to deeds as granted under the Section 26 of the Right to Fair Compensation and transparency in the land acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013) before determining the fair compensation for the lands of the petitioners comprised in Survey No.219/3H and 219/4A to an extent of 0.00.5 Hectare and 0.20.5 Hectares respectively of Kallakurichi Village, Kallakurichi Taluk and District.

For Petitioners	:	Mrs.Dakshayani Reddy for Mr.C.Mahendran
For Respondents	:	Mr.U.Bharanidharan Additional Government Pleader



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ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus to direct the first respondent to give a fair opportunity to the petitioners for determination of market value under Section 7(5) of the Acquisition of land for Industrial Purposes Act, 1997 (Act 10 of 1999) by accepting the sale deeds which the petitioners produced at the time of hearing of Section 7(5) of the Acquisition of land for Industrial Purposes Act, 1997 (Act 10 of 1999) hearing and consequently direct the first respondent to give due weightage to deeds as granted under the Section 26 of the Right to Fair Compensation and Transparency in the Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013) before determining the fair compensation for the lands of the petitioners comprised in Survey Nos.219/3H and 219/4A to an extent of 0.00.5 Hectare and 0.20.5 Hectares respectively of Kallakurichi Village, Kallakurichi Taluk and District.

2. The case of the petitioners is that they are the absolute owners of the aforesaid properties, which were sought to be acquired for the



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purpose of erecting new Broad Gauge Railway line between Chinnasalem and Kallakurichi. Further, for the aforesaid purpose, the petitioners were issued notification under Section 3(2) of the Acquisition of Land for Industrial Purposes Act, 1997 (Act 10 of 1999) (in short, "the Act") vide notice issued under Section 7(2) of the Act to the petitioners. After issuance of said notifications, the petitioners have participated in the award proceedings, he came to know that the fifth respondent/District Registrar forwarded the guideline value of the 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 petitioners have filed the present Writ Petition.

3. The learned counsel for the petitioners 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 Land Acquisition Rehabilitation and Resettlement Act, 2013 (in short, "Act 30 of 2013")



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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 petitioners, on instructions, would submit that it would suffice, if this Court may issue a direction to the second and third respondents to afford an opportunity of hearing to the petitioners 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 Additional Government Pleader 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 petitioners.

5. Considering the facts and circumstances of the case, the



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grievance of the petitioners 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 petitioners, 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 petitioners. The aforesaid exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

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

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Index: Yes/No

Speaking Order : Yes/ No

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M.DHANDAPANI, J.
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