



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.5241 of 2022

Batrakaliammal

... Petitioner

vs.

1.The Additional Chief Secretary / Commissioner
Land Administration, Chepauk,
Chennai - 600 005.

2.The District Collector,
Theni District, Theni.

3.The Special Tahsildar,
Railway Land Acquisition,
Tuticorin at Ettayapuram.

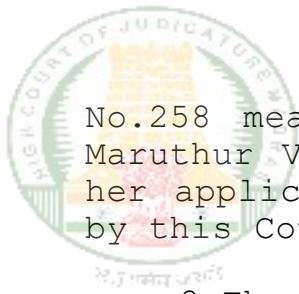
... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to give award amount of Rs.3,05,138 (Three Lakhs Five Thousands and Hundred and Thirty Eight Rupees) with accrued interest to the petitioner and also the direct to second respondent to make reference to the appropriate authority for the enhancement of compensation amount for the acquisition of the petitioner's land in S.F.No.212/1A2, Patta No.258 with an extent of 1 Acre 24 Cents situated at Mela Maruthur Village, Ottapidaram Taluk, Tuticorin District based on her statement/ application dated 11.06.2018.

For Petitioner :Mr.R.Jegadeeshwaran
For Respondents :Mr.D.Sasikumar
Additional Government Pleader

O R D E R

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondents to pay the petitioner the award amount of Rs.3,05,138/- together with accrued interest and also to direct the second respondent to make a reference to the appropriate authority for the enhancement of compensation amount in respect of the acquisition of the petitioner's land in S.F.No.212/1A2, Patta



No.258 measuring an extent of 1 acre 24 cents situated at Mela Maruthur Village, Ottapidaram Taluk, Tuticorin District, based on her application dated 11.06.2018, within a time frame to be fixed by this Court.

2.The aforementioned land of the petitioner has been acquired by the respondents and compensation was determined by the third respondent fixing the compensation at Rs.3,05,138/-. The petitioner is aggrieved by the determination of the said compensation. But, however, it is her contention that, till date, the determined compensation amount has not been paid to her.

3.According to the petitioner, she is ready and willing to receive the determined compensation amount without prejudice to her right to claim enhanced compensation by making reference. In such circumstances, she has given a representation on 11.06.2018 calling upon the respondents to pay the determined compensation of Rs.3,05,138/- and calling upon the second respondent to make a reference to the appropriate authority for the enhancement of compensation amount. Since the said representation has not been considered till date, she has filed this Writ Petition.

3.Heard Mr.R.Jegadeeswaran, learned Counsel for the petitioner and Mr.D.Sasikumar, learned Additional Government Pleader, who accepts notice on behalf of the respondents.

4.The learned Additional Government Pleader, on instructions, would submit that the petitioner has not given any representation so far. He would submit that the representation referred to by the petitioner is only a statement and not a representation. Therefore, the petitioner will have to give a fresh representation to enable the respondents to consider the same on merits and in accordance with law. The said statement is recorded.

5.The learned Counsel for the petitioner, on instructions, would submit that the petitioner is also willing to give a fresh representation.

6.Accordingly, this Court directs the petitioner to give a fresh representation to the third respondent requesting the third respondent to pay the determined compensation amount of Rs.3,05,138/- together with accrued interest to her without prejudice to her right to claim higher compensation and also requesting the second respondent to make a reference to the appropriate authority for enhancement of compensation within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the third respondent is directed to pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner including granting her the right of personal hearing, within a period of twelve weeks



7. With the aforesaid directions, this Writ Petition is disposed of. No costs.

WEB COPY

Sd/-

Assistant Registrar (R)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

cmr

To

1. The Additional Chief Secretary / Commissioner
Land Administration, Chepauk,
Chennai - 600 005.

2. The District Collector,
Theni District, Theni.

3. The Special Tahsildar,
Railway Land Acquisition,
Tuticorin at Ettayapuram.

+1 CC to M/s.SPL GP (SR-14549[F] dated 25/03/2022)

+1 CC to M/s.R.JEGADEESWARAN, Advocate (SR-14563[F] dated
25/03/2022)

Order made in
W.P. (MD) No. 5241 of 2022

24.03.2022

PA(12.04.2022) 3P 6C