



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.03.2022

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.5310 of 2022

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C.Rajamanikkam

... Petitioner

/Vs./

- 1.The President,
Grievance Redressal Committee,
Chennai To Kanyakumari Industrial Corridor Project (CKICP),
Kumbakonam, Thanjavur District.
- 2.Special District Revenue Officer (Land Acquisition),
Chennai To Kanyakumari Industrial Corridor Project (CKICP),
Kumbakonam, Thanjavur District.
- 3.The Divisional Engineer, Highways,
Thanjavur District,
Chennai To Kanyakumari Industrial Corridor Project (CKICP),
Kumbakonam, Thanjavur District.
- 4.The Special Thasildar (Land Acquisition),
Chennai To Kanyakumari Industrial Corridor Project (CKICP),
Kumbakonam, Thanjavur District,
Kumbakonam Taluk, Thanjavur District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the entire records pertaining to the impugned order passed by the Special District Revenue Officer (Land acquisition) Chennai to Kanyakumari Industrial Corridor Project, (CKICP), the 2nd respondent herein vide Tha.Pa.112/2021/Aa5 Dated 12.08.2021 and quash the same as illegal, arbitrary and without jurisdiction and furthermore direct the Special District Revenue Officer (Land acquisition) Chennai to Kanyakumari Industrial Corridor Project, (CKICP), the 2nd respondent herein to pass the order on merit within the time frame fixed by this Court.

For Petitioner

: Mr.R.Rajaraman

For Respondents

: Mrs.S.Jeyapriya
Government Advocate



ORDER

This writ petition has been filed challenging the impugned order passed by the second respondent rejecting the petitioner's statutory appeal filed under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 on the ground that the said appeal has been filed beyond the prescribed period of six weeks from the date of the Collector's award.

2.The petitioner has challenged the impugned award on the ground that the second respondent failed to consider the fact that there was Covid-19 pandemic during the period 2020-2022. It is his contention that the second respondent failed to consider the judgment of the Hon'ble Supreme Court, wherein a direction was given that due to Covid-19 pandemic, the limitation got extended by another period of 90 days from 01.03.2022. It is also his contention that the only source of income for the petitioner is the said land, which has been acquired and his livelihood will be affected, if the compensation is not enhanced. The petitioner has challenged the impugned order on the ground that it is a non-speaking order and no opportunity of hearing was granted to the petitioner.

3.As seen from the impugned order, the petitioner's statutory appeal has been rejected only on the ground that the said appeal was filed beyond the prescribed period. The proviso to Section 64 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 empowers the second respondent to condone the delay, if sufficient reasons are given, for a period upto one year.

4.In the case on hand, the petitioner has stated that only due to Covid-19 pandemic, he was unable to file a statutory appeal within the prescribed period of six weeks. The contentions of the petitioner have not been considered under the impugned order passed by the second respondent. It is a non-speaking order. Hence, the same will have to be quashed on the ground that violation of principles of natural justice and remanded back to the second respondent for fresh consideration on merits and in accordance with law.

5.Accordingly, the impugned order passed by the second respondent is quashed and the matter is remanded back to the second respondent for fresh consideration on merits and in accordance with law. The second respondent shall entertain the statutory appeal filed by the petitioner and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and other necessary party, whom the second respondent deems fit to enquire, within a period of four (4) months from the date of receipt of a copy of this order.



6. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (RTI)

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/ /2022

Sub Assistant Registrar (CS)

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To

1. The President,
Grievance Redressal Committee,
Chennai To Kanyakumari Industrial Corridor Project (CKICP),
Kumbakonam, Thanjavur District.
2. Special District Revenue Officer (Land Acquisition),
Chennai To Kanyakumari Industrial Corridor Project (CKICP),
Kumbakonam, Thanjavur District.
3. The Divisional Engineer, Highways,
Thanjavur District,
Chennai To Kanyakumari Industrial Corridor Project (CKICP),
Kumbakonam, Thanjavur District.
4. The Special Thasildar (Land Acquisition),
Chennai To Kanyakumari Industrial Corridor Project (CKICP),
Kumbakonam, Thanjavur District,
Kumbakonam Taluk, Thanjavur District.

+1 CC to M/s.R.RAJARAMAN, Advocate (SR-14603[F] dated 25/03/2022)

+1 CC to M/s.SPL GP (SR-14917[F] dated 28/03/2022)

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MGJ(08.04.2022) 3P 7C