



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.5403 of 2022

P.Vallinayagam

... Petitioner

Vs.

1.The District Collector,
Tirunelveli,
Tirunelveli District.

2.The Special Tahsildar (Land Acquisition),
Tamilabaranani Inter-linking Karumaniaaru and Nambiyar,
Palayamkottai Taluk,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to grant enhanced fair and just compensation for the land acquired for formation Tamilabaranani Inter-linking Karumeniyaru and Nambiyaru in petitioner ladh in Survey No.51 New Survey No.51/4 at Senkulam Village, Palayankottai Taluk, Tirunelveli District and by disposing of petitioner's representation dated 18.02.2022.

For Petitioner	: Mr.D.Selvanayagam
For Respondents	: Mr.T.Amjad Khan
	Government Advocate

O R D E R

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondents to grant enhanced fair and just compensation to the petitioner for the land acquired from him for river interlinking project in respect of the land in Survey No.51 New Survey No.51/4 at Senkulam Village, Palayankottai Taluk, Tirunelveli District based on the petitioner's representation dated 18.02.2022 within a time frame to be fixed by this Court.

2.It is the case of the petitioner that in L.A.O.P. No.4 of 2013, on the file of the Sub-Judge, Tirunelveli, an award dated 22.06.2016 came to be passed in favour of the petitioner and the compensation for the lands acquired from the petitioner referred to supra was determined. The petitioner is aggrieved by the determination of the compensation amount. He has given a representation on 18.02.2022 to the first respondent seeking for enhancement of compensation. Since the said representation has not been considered till date, the petitioner has filed this writ petition.



3.Heard Mr.D.Selvanayagam, learned Counsel appearing for the writ petitioner and Mr.T.Amjad Khan, learned Government Advocate who accepts notice on behalf of the respondents.

4.The petitioner is legally entitled to claim enhanced compensation as per the provisions of Section 73 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Admittedly, an award has been passed in his favour by the learned Sub-Judge, Tirunelveli in L.A.O.P.No.4 of 2013 on 22.06.2016. The petitioner is unsatisfied with the compensation determined in L.A.O.P. No.4 of 2013. Only in such circumstances, the petitioner has given a representation to the first respondent seeking for enhanced compensation.

5.No prejudice would be caused to the respondents if the petitioner's representation is considered on merits and in accordance with law after affording a fair hearing to the petitioner within a time frame to be fixed by this Court.

6.Accordingly, this Court directs the first respondent to consider the petitioner's representation dated 18.02.2022 seeking for enhancement of compensation in respect of the lands acquired from him situated in Survey No.51 New Survey No.51/4 at Senkulam Village, Palayankottai Taluk, Tirunelveli District and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner including granting him the right of personal hearing within a period of six [6] months from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR

To

1.The District Collector,
Tirunelveli,
Tirunelveli District.



2.The Special Tahsildar (Land Acquisition),
Tamirabarani Inter-linking Karumaniyaaru and Nambiyar,
Palayamkottai Taluk,
Tirunelveli District.

+1 CC to M/s.SPL GP (SR-15045[F] dated 29/03/2022)

+1 CC to M/s.D.SELVANAYAGAM, Advocate (SR-15026[F] dated 29/03/2022

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SB(CO)
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