



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.04.2022

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD) .No.7384 of 2022

S.Sowmiya Narayanan

... Petitioner

Vs.

1.The District Collector,
Thanjavur.

2.The Special District Revenue Officer,
Chennai-Kanniyakumari Industrial Corridor Project,
Kumbakonam.

3.The Special Tahsildar (LA),
Chennai-Kanniyakumari Industrial Corridor Project,
Mannargudi.

...Respondents

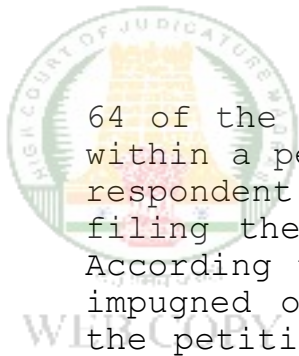
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned proceedings in **ந.க.எண்.146/2021/அ4** dated 01.11.2021 on the file of the second respondent and quash the same as arbitrary, illegal and without jurisdiction and consequently direct the first respondent to entertain the application of the petitioner and make reference to the appropriate authority as per Section 64 and 65 of the Act 30/2013.

For Petitioner	:	Mr.H.Lakshmi Shankar
For Respondents	:	Mr.M.Lingadurai, Special Government Pleader.

ORDER

This Writ Petition has been filed challenging the order dated 01.11.2021 passed by the second respondent rejecting the petitioner's application 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 application has been filed beyond the period of six weeks from the date of the award.

2. The petitioner has challenged the impugned order on the ground that the second respondent has passed the impugned order by



64 of the Act, which enables the petitioner to file the application within a period of one year subject to the satisfaction of the first respondent that the petitioner has shown sufficient cause for not filing the application within the prescribed period of six weeks. According to the petitioner, even without considering the same, the impugned order has been passed by the second respondent rejecting the petitioner's application submitted under Section 64 of the Act on the ground that it has been filed beyond the period of six weeks.

3. Learned counsel for the petitioner also drew the attention of this Court to the proviso to Section 64(2) of the Act and would submit that the second respondent ought to have forwarded the application to the first respondent, who is having powers to condone the delay up to the maximum period of one year as per the said proviso, which has not been done by the second respondent. According to him, by total non-application of mind to the proviso to Section 64 of the Act, the second respondent has rejected the petitioner's application. Learned counsel for the petitioner also drew the attention of this Court to similar orders passed by this Court with regard to the same issue, wherein, this Court had remanded the matter back to the first respondent for fresh consideration on merits and in accordance with law.

4. After perusing and examining the impugned order and in view of the fact that the application has been filed by the petitioner under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 within a period of one year and also sufficient reasons have also been given for the delay in filing the application within a period of six weeks from the date of the award, this Court is of the considered view that the impugned order has been passed by total non-application of mind to the proviso to Section 64(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, which enables the first respondent to condone the delay, in case sufficient cause has been shown by the petitioner for not filing the application within the prescribed period of six weeks from the date of award. The reason given for the delay is that the petitioner was unable to file the application due to COVID-19 pandemic situation, which, in the considered view of this Court is a sufficient cause and therefore, the application ought to have been entertained by the respondents.

5. For the foregoing reasons, the impugned order dated 01.11.2021 passed by the second respondent is hereby quashed and the matter is remanded back to the first respondent for fresh consideration on merits and in accordance with law after affording a fair hearing to the petitioner including granting her the right of personal hearing. The first respondent shall pass final orders within a period of six (6) months from the date of receipt of a copy of this order.



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W.P.(MD).No.7384 of 2022

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

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm

To

1.The District Collector,
Thanjavur.

2.The Special District Revenue Officer,
Chennai-Kanniyakumari Industrial Corridor Project,
Kumbakonam.

3.The Special Tahsildar (LA),
Chennai-Kanniyakumari Industrial Corridor Project,
Mannargudi.

+1 CC to M/s.H. LAKSHMI SHANKAR, Advocate (SR-19991[F] dated
21/04/2022)

+1 CC to M/s.SPL.GP (SR-20106[F] dated 21/04/2022)

W.P. (MD) .No.7384 of 2022

20.04.2022

MGJ(04.05.2022) 3P 6C