



WEB COPY



W.P.No.98 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.98 of 2023

1. Mrs.S.Mallika
2. Mrs.Kamalammal
3. Mrs.Sumathi
4. Mrs.Kattammal
5. Mrs.Padma
6. Mrs.Shanthi
7. Mrs.Mallika
8. Mrs.Muniammal

... Petitioner

-Vs-

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Public Works Department,
Secretariat, Chennai – 600 009.
2. The Commissioner of Land Administration,
Ezhilagam, Chepauk, Chennai – 600 005.
3. The District Collector,
Thiruvallur District, Thiruvallur.
4. The District Revenue Officer,
Thiruvallur District, Thiruvallur.
5. The Special Tahsildar (Land Acquisition) Unit – IV,
Kannankottai – Thervoykandigai Reservoir Scheme,
Gummidipoondi Taluk @ Kavarapettai,
Thiruvallur District.

... Respondents



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Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, direct the 5th respondent to refer the matter under Section 64 of Central Act 30 of 2013 to the Authority/competent Court to determine the enhancement of compensation and the rights of Rehabilitation and Resettlement under Chapters V and VI within time frame fixed by this Court.

For Petitioners : Mr.N.Nithianandam

For Respondents : Mr.P.Sathish
Additional Government Pleader

ORDER

The prayer sought for herein is for a writ of mandamus directing the 5th respondent to refer the matter under Section 64 of Central Act 30 of 2013 to the Authority/competent Court to determine the enhancement of compensation and the rights of Rehabilitation and Resettlement under Chapters V and VI within time frame fixed by this Court.

2. In order to seek for reference under Section 64 of the Central Act 30 of 2013 to the Competent Authority or Court, the petitioner has moved the present writ petition.



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3. Heard Mr.N.Nithianandam, learned counsel appearing for the petitioners and Mr.P.Sathish, learned Additional Government Pleader appearing for the respondents.

4. Learned Additional Government Pleader appearing for the respondents, on instructions would submit that, insofar as the claim made by the petitioner to make reference under Section 64 of the Central Act 30 of 2013 is concerned, such power is vested only with the District Collector, however, no such request has been made to the third respondent District Collector and it can be referred to Special Thasildar, Land Acquisition i.e., fifth respondent, who is not empowered to make such reference under Section 64 of the Central Act, 30 of 2013 and the learned Additional Government Pleader has submitted that, if the petitioner is come forward to make an application or representation to the third respondent District Collector seeking reference under Section 64 of the Central Act, 30 of 2013 to the Competent Authority or Court, it can be decided by the third respondent/District Collector, he contended.



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5. Having regard to the said submission made by the learned Additional Government Pleader appearing for the respondents, this Court is inclined to dispose of this writ petition with the following order:

That it is open to the petitioner to make a request/representation to the third respondent District Collector requiring him to refer the matter under Section 64 of the Central Act 30 of 2013 for reference to the Competent Authority or Court and on receipt of such representation/application from the petitioner, the third respondent shall act upon and do the needful in accordance with law within a period of eight(8) weeks from the date of receipt of such request.

With this direction, this writ petition is disposed of. No costs.

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Index : Yes/No
Speaking order: Yes/No

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To

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3. The District Collector,
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4. The District Revenue Officer,
Thiruvallur District, Thiruvallur.
5. The Special Tahsildar (Land Acquisition) Unit – IV,
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R. SURESH KUMAR, J.

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