



WEB COPY

W.P.No.22



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.22424 of 2023

E.Selvarajan

... Petitioner

Vs.

1.The District Collector / Land Acquisition Officer,
(Project of Formation of New Broad Gauge Railway line
between Chinna Salem and Kallakurichi)
Kallakurichi, Kallakurichi District.

2.The Special Tahsildar (Land Acquisition),
Southern Railways,
Kallakurichi,
Kallakurichi District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st Respondent to refer the request/ reference application submitted by the petitioner dated 08.03.2022 and 22.04.2022 under Section 8 of Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997 (Tamil Nadu Act 10/ 1999) R/W Section 64 of Right to Fair Compensation and Transparency in Land acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013) and consequently direct the Respondents to pay the award amount of Rs. 17,92,977/- together with interest under Section 80 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013) from 01.10.2020 to till date of payment paid by the respondents without prejudice to the petitioners claim to seek enhancement of compensation with respect to the land of the petitioner's herein comprised in Survey Nos. 64/5B2, 68/1B2, 245/2, 244/1A and 246/3B totally 0.42.5 hectares properties situated at Kaniyamur Village, Kallakurichi Taluk, and Kallakurichi District in Award No.05/ 2020 in Na.Ka.AA1/ 2674/ 2019 dated 30.09.2020 within a reasonable time.



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For Petitioner : Mr.P.Rajavel
For Respondents : Mr.T.Arun Kumar,
Additional Government Pleader

ORDER

The relief sought for in the present Writ Petition is to direct the 1st Respondent to refer the reference applications submitted by the petitioner dated 08.03.2022 and 22.04.2022 under Section 8 of Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997 (Tamil Nadu Act 10 / 1999) read with Section 64 of Right to Fair Compensation and Transparency in Land acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013) and consequently direct the Respondents to pay the award amount of Rs. 17,92,977/- together with interest under Section 80 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013) from 01.10.2020 to till date of payment paid by the respondents without prejudice to the petitioner's claim to seek enhancement of compensation with respect to the land of the petitioner herein comprised in Survey Nos. 64/5B2, 68/1B2, 245/2, 244/1A and 246/3B totally 0.42.5 hectares properties situated at Kaniyamur Village, Kallakurichi Taluk, and Kallakurichi District in Award No.05/ 2020 in Na.Ka.AA1/ 2674/ 2019 dated 30.09.2020.



2. It is not in dispute that the land belonged to the petitioner was acquired for industrial purposes under the provisions of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997.

3. The learned counsel for the petitioner made a submission that the compensation was not determined in accordance with the provisions of the Act and the interest portion has not been calculated properly.

4. The learned Additional Government Pleader based on the written instructions dated 04.08.2023 made a submission that the Land Acquisition Officer had determined the compensation amount as Rs.17,92,976/- and the said amount has been deposited before the Principal District Court, Villupuram. The file was returned and thereafter it was represented as L.A.O/127/2023 and the same is pending.

5. Thus, the petitioner is at liberty to adjudicate the issues before the LAOP Court for the purpose of seeking enhancement or any other benefit for which he is legally entitled under the provisions of the Land Acquisition Act.



6. With these observations, the Writ Petition stands disposed of. No costs.

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Index : Yes

Speaking order

To

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S.M.SUBRAMANIAM, J.

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