



W.P.(MD)No.2657 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 13.10.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.2657 of 2021

and

W.M.P.(MD)No.2198 of 2021

T.Kulanthai Therase

... Petitioner

vs.

1.The District Collector,
Office of the Collectorate,
Trichy District.

2.The Special Deputy Collector,
Land Acquisition, SIPCOT,
Manaparai, Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to fix equal compensation for the lands of the petitioner in S.Nos.82/4, 82/3B, 82/3A and the well in the land in S.No.82/3A in Kannudaiyanpatti Village, Manaparai Taluk, Trichy District on par with the other acquired lands more fully found within the sub-division of 82/5, 82/6, 82/7 and etc and also revise the payment of compensation to the petitioner treating the value of the lands of the petitioner at the rate of Rs.5.5 lakhs per acre on par with the other adjacent acquired lands by the respondent and provide



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the compensation amount for the well as per rules with interest from the date of notification till realization.

For Petitioner :Mr.Ramsundarvijayaraj
For R1 :Mr.B.Saravanan
Additional Government Pleader
For R2 :Mr.Gangadharan

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus directing the first respondent to fix the compensation for the lands acquired from the petitioner on par with the compensation that was fixed for the lands in S.Nos.82/5, 82/6, 82/7, etc., at the rate of Rs.5.5 lakhs per acre and to pay the same along with interest.

2.The case of the petitioner is that she is the owner of the subject property in S.Nos.82/3A, 82/3B and 82/4 measuring an extent of 3.91 acres at Kannudaiyanpatti Village, Manaparai Taluk, Trichy District. These lands became a subject matter of became acquisition under Tamil Nadu Land Acquisition for Industrial Purposes Act, 1997. Accordingly, the lands were acquired. In the mean time, Right to Fair Compensation Transparency in Land Acquisition, Rehabilitation and Resettlement Act,



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2013 (RFCTLARRA), came into force and by then, no award was passed. Therefore, the compensation had to be calculated in accordance with 2013 Act.

3.The further case of the petitioner is that the second respondent through proceedings, dated 27.01.2016 fixed the interim compensation for the land at Rs.4,28,571/- per acre. Ultimately, the final award was passed on 20.11.2020 and the compensation was fixed at Rs.4,00,000/- per acre. Accordingly, the total compensation that was fixed for the petitioners worked out to the tune of Rs.28,34,338/-.

4.The petitioner was not satisfied with the final award, that was passed by the second respondent, since according to the petitioner, the lands that were acquired and similarly placed got a compensation of Rs.5,50,000/- per acre. Hence, the petitioner made a representation before the first respondent on 17.02.2020 seeking for re-fixation of compensation. Since the same was not acted upon, the present Writ Petition has been filed before this Court.



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5.The learned Additional Government Pleader appearing on behalf of the first respondent submitted that the compensation was fixed in line with the provisions of 2013 Act and that this compensation amount was also deposited before the Principal District Judge, Trichy. The learned Additional Government Pleader in order to substantiate the same, produced the relevant documents before this Court.

6.Heard Mr.Ramsundarvijayaraj, learned Counsel appearing on behalf of the petitioner, Mr.B.Saravanan, learned Additional Government Pleader appearing on behalf of the first respondent and Mr.Gangadharan, learned Counsel for the second respondent.

7.As per the scheme of 2013 Act, if any person is not satisfied with the compensation fixed, an application should be made before the District Collector within six weeks from the date of award. On such application, the District Collector is expected to make a reference to the appropriate authority within a period of thirty days from the date of receipt of the application from the aggrieved person. The appropriate



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authority should, thereafter, determine the award passed by the competent authority and see if the claim made by the aggrieved person seeking for enhancement of compensation is sustainable. The appropriate authority must, thereafter, pass an order under Section 69 of the Act. On the basis of the order passed by the appropriate authority, the Collector must, thereafter, pass necessary orders, if the award is re-determined. Any person or requisitioning body, if aggrieved by the order passed by the appropriate authority, can file an appeal before the High Court.

8. In the instant case, the award was passed by the second respondent through award dated 20.11.2020. The petitioner was not satisfied with the award passed and sought for enhancement of compensation. Accordingly, the petitioner made a representation to the District Collector dated 17.02.2020. This requisition was made by the petitioner within the time stipulated under the Act. Therefore, the District Collector has to make a reference to the appropriate authority in order to enable the appropriate authority to decide on the claim made by the petitioner. This has not been done by the District Collector and



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therefore, the petitioner has filed the present Writ Petition seeking for appropriate direction.

9.Taking into consideration the facts and circumstances of the case, there shall be a direction to the first respondent, viz., District Collector, Trichy District to make a reference of the application/representation submitted by the petitioner dated 17.02.2020 to the appropriate authority within a period of four weeks from the date of receipt of a copy of this order. The appropriate authority shall, thereafter, issue notice to the concerned parties and shall pass final orders on the reference within a period of three months thereafter. The appropriate authority shall follow the procedure as mandated under the 2013 Act.

10.This Writ Petition is disposed of in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

Index :Yes / No
Internet :Yes
NCC : Yes/No

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To

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N.ANAND VENKATESH, J.

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