



Rev.Apl.W(MD)No.52 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Rev.Apl.W.(MD)No.52 of 2023

in

W.P.(MD)No.20957 of 2021

and

W.M.P.(MD)No.5098 and 5101 of 2023

The Chief Project Manager / Co-Ordination

Rail Vikas Nigam Limited,

Mezzanine Floor,

Thirumayilai Railway Station,

Mylapore, Chennai – 600 004.

... Petitioner / 3rd Party

Vs

1.S.Raju

... 1st Respondent / Writ Petitioner

2.The District Collector,

Dindigul District,

Dindigul.

3.The Land Acquisition Officer,

Revenue Divisional Officer,

Office of the Revenue Divisional Officer,

Dindigul District.

4.The Tahsildar,

Dindigul East Taluk,

Nagal Nagar,

Dindigul District.

5.The Special Tahsildar (Land Acquisition),

Villupuram – Dindigul Broad-Gauge,



Rev.Apl.W(MD)No.52 of 2023

Railway Line Project,
Collectorate Building,
Dindigul.

6.The Divisional Railway Manager,
Southern Railway,
Madurai Division,
Mapalayam,
Madurai – 625 016.

7.The Assistant Divisional Manager,
Southern Railway,
Opposite to Railway Hospital,
Dindigul – 624 003.

8.The Senior Section Engineer,
Permanent Way,
Southern Railway,
Dindigul Junction,
Dindigul – 624 003.

... Respondents 2 to 8 /
Respondents 1 to 7

Prayer: Review Application is filed under Section 114 of CPC and Order XLVII, Rules 1 and 2 of the Civil Procedure Code r/w. Article 226 of Constitution of India, to review the order passed in W.P.(MD)No.20597 of 2021 dated 16.08.2022 on the file of this Court and allow the Review Application.

For Petitioner : Mr.A.Haja Mohideen

For Respondents : Mr.N.Marimuthu for R1
Mr.G.Suriyananth,
Addl. Govt. Pleader for R2 to R5.
Mr.K.R.Laxman,
Senior Panel Counsel for R6 to R8.



Rev.Apl.W(MD)No.52 of 2023

ORDER

WEB COPY

Heard the learned counsel on either side.

2.I record the concession made by the learned standing counsel for the petitioner that in the review application itself, necessary clarification can be given and direction also issued and that there is no need to formally allow the review application and thereafter take up the writ petition once again on merits.

3.The first respondent herein filed W.P.(MD)No.20957 of 2021. According to the petitioner, the lands were taken for railway project in the year 2013. According to the learned standing counsel, dispossession was done only in the year 2015. I do not want to go into the said issue. The said issue is left open. Be that as it may, the only ground on which the review application has been filed is that this Court had directed determination and payment of compensation under the Railways Act, 1989. The learned counsel for the petitioner states that the petitioner is entitled to be paid compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation



Rev.Apl.W(MD)No.52 of 2023

and Resettlement Act, 2013. In my view, the determination of compensation under the new Act instead of Railways Act, 1989 is certainly beneficial to the first respondent. The earlier order passed is clarified and it is declared that the compensation payable to the first respondent shall be computed under the Central Act 30 of 2013. Since several years have rolled by, the first respondent has to be paid compensation together with statutory interest. The disbursement to the first respondent shall be done by the authority concerned within a period of eight weeks from the date of receipt of a copy of this order.

4.The review application is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

14.03.2023

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



WEB COPY

To:

1. The District Collector,
Dindigul District,
Dindigul.
2. The Land Acquisition Officer,
Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Dindigul District.
3. The Tahsildar,
Dindigul East Taluk,
Nagal Nagar,
Dindigul District.
4. The Special Tahsildar (Land Acquisition),
Villupuram – Dindigul Broad-Gauge,
Railway Line Project,
Collectorate Building,
Dindigul.



Rev.Apl.W(MD)No.52 of 2023



WEB COPY



Rev.Apl.W(MD)No.52 of 2023

G.R.SWAMINATHAN,J.

ias

Rev.Apl.W.(MD)No.52 of 2023

in

W.P.(MD)No.20957 of 2021

14.03.2023