



W.P(MD)No.7485 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.7485 of 2023

Najumunisha

... Petitioner

Vs.

The District Collector
District Collector Office,
Trichy -1,
Trichy District.

... Respondent

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent herein to refer the petitioner's request for enhancement of compensation with respect to the award made in R.C.C1/11086/2013 dated 05.02.2016 and 25.11.2020, to the concerned Land Acquisition Court as per Section 64 of the Right to Fair Compensation Transparency in Land Acquisition Rehabilitation and Re-Settlement Act, 2013 (Act 30 of 2013) in the light of petitioner's representation, dated 28.12.2022.

For Petitioner : Mr.R.Sundar

For Respondent : Mr.J.Ashok,
Additional Government Pleader



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ORDER

The District Collector, Trichy, had passed an award consequent to acquisition of lands of the petitioner herein. The petitioner has serious objections for the award so granted.

2. The petitioner has filed the writ petition for a direction to the District Collector, to refer the award before the competent authority, namely, the Designated Authority now / Principal District Court, Trichy. Section 64 of the Right of Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013 (Act 30 of 2013) is the section which has to be considered and it provides that the District Collector on application made, should refer the award to the Authority / Principal District Court, Trichy. If the Collector fails, then the second proviso under the said provision gives necessary right to the petitioner herein to make an application before the Authority / Principal District Court, Trichy, to direct the District Collector to refer the award for further consideration.



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3. The petitioner may therefore, file necessary application before the Principal District Court at Trichy and if the time limit specified in the Act, has long passed by, the petitioner may file such application before the Principal District Court on or before 21.04.2023 and if it is so filed, the issue of limitation may not be put against the petitioner. It must also be kept in mind that Section 64 also provides that the Collector may if he is satisfied with the reasons advanced, condone the delay in filing any application seeking reference and therefore, the provisions relating to the time limit under Section 64 are only directory and not mandatory.

4. The Writ petition stands disposed of, giving liberty to the petitioner herein to make necessary application. No costs.

03.04.2023

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

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Note : Issue order copy on 10.04.2023



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The District Collector
District Collector Office,
Trichy -1,
Trichy District.



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C.V.KARTHIKEYAN, J.

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