



W.P(MD)No.13158 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.13158 of 2023

and

W.M.P(MD)No.11128 of 2023

Latha

... Petitioner

Vs.

1.The District Collector,
Trichy,
Trichy District.

2.The District Revenue Officer/
Land Acquisition Officer for SIPCOT
Trichy,
Trichy District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the 1st respondent pertaining to his order bearing Na.Ka.No.C1/11086/2013 dated 11.04.2022 and to quash the same and consequently, directing the respondents to consider the applications dated 27.09.2021 and 04.12.2021 seeking to refer the matter to the appropriate Court so as to enable the petitioner to get enhanced compensation for the property acquired from the petitioner within a time frame that may be stipulated by this Court.



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For Petitioner : Mr.C.Herold Singh
For R1 & R2 : Mr.J.Ashok
Additional Government Pleader

ORDER

The writ petition has been filed in the nature of certiorarified mandamus seeking interference with an order of the first respondent, the District Collector, Trichy, and to consequently direct the said first respondent to refer the matter relating to acquisition of land of the petitioner herein to the appropriate Court, so as to enable the petitioner to get enhanced compensation for the property acquired.

2.Let me state the facts in W.P(MD)No.13158 of 2023. The writ petitioner in the writ petition has stated that the lands at Kannudaiyanpatti and K.Periyapatti, Trichy District, had been acquired for industrial purposes by G.O.No.94(Industries) Department, dated 14.05.2013. It was also published in the Government Order ex-ordinary No.194 dated 22.09.2014. Notification was issued on 04.09.2014. Thereafter, G.O.Ms.No.45, dated 14.05.2014, was issued with direction for payment of interim compensation. Claiming that the stipulations under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, had not been followed, the petitioner had presented representation before the District Collector, Trichy



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to refer the entire issue before the competent Court. The petitioner in this writ petition had given an applications on 27.09.2021 and 04.12.2021. The only issue was with respect to Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The entire issue arose Section 64 of the said Act, which is extracted hereunder:

“64.Reference to Authority.-(1) Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Authority, as the case may be, whether his objection be to the measurement of the land, the amount of the compensation, the person to whom it is payable, the rights of Rehabilitation and Resettlement under Chapters V and VI or the apportionment of the compensation among the persons interested:

Provided that the Collector shall, within a period of thirty days from the date of receipt of application, make a reference to the appropriate Authority:

Provided further that where the Collector fails to make such reference within the period so specified, the applicant may apply to the Authority, as the case may be, requesting it to direct the Collector to make the reference to it within a period of thirty days.

(2) The application shall state the grounds on which objection to the award is taken:



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Provided that every such application shall be made--

(a) person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collectors award;

(b) in other cases, within six weeks of the receipt of the notice from the Collector under section 21, or within six months from the date of the Collectors award, whichever period shall first expire:

Provided further that the Collector may entertain an application after the expiry of the said period, within a further period of one year, if he is satisfied that there was sufficient cause for not filing it within the period specified in the first proviso.”

3.The said provision, gives authority to the Collector to, on receipt of an application, to make a reference. Though time limit has been given, there is also a proviso which stipulates that the Collector may entertain the application after the expiry of the said period and within a further period of one year. The time limits may be examined by the District Collector in each one of the cases and in each one of the cases that the petitioner gives necessary reason for delay and if the District Collector is satisfied with the delay, then he may refer the matter to the competent Court, then the District Court at Trichy.



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4.The learned counsel for the petitioner placed reliance on an earlier order in *W.P(MD)No.15207 of 2022, Muthulakshmi and others-vs-The District Collector, Trichy and another*. By an order, dated 17.04.2023 in similar issue, this Court had held that in view of this particular provision which had not been examined by the District Collector, the order impugned should be set aside and fresh orders have to be passed. The said order has to be passed on the basis of the representation already given. With respect to the period of limitation, the aforementioned directions may be followed and to avoid any technicalities, a direction is given to the petitioner herein to forward a fresh representation, copy of the original application afresh, enclosing a copy of this order and if it is so, within a period of six weeks from the date of receipt of a copy of this order, then the issue of limitation need not be stressed by the District Collector.

5.In view of the above, the writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

19.06.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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C.V.KARTHIKEYAN, J.

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To

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Trichy District.

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Trichy,
Trichy District.

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