



W.P(MD)No.15207 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.15207 of 2022

and

W.M.P(MD) No.10904 of 2022

- 1.Muthulakshmi
- 2.Sunderraj
- 3.Govindhan
- 4.Murugan
- 5.Arumugam
- 6.Pitchaiammai
- 7.Perumal
- 8.Kamalan,
- 9.Murugan
- 10.Perumal
- 11.Kalaivanan
- 12.Valliyammai



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13.Subramani

14.Rajkumar,

15.Karupayee

16.Subramani

17.Palanisamy

18.Kanthasamy

19.Dhanalakshmi

20.Tamilsekar

21.Rajendran

22.Ashokkumar

23.Mohammed Sheriff

24.Palaniyappan

25.Latha

26.Muruganantha

... Petitioners

Vs.

1.The District Collector
Trichy,
Trichy District.



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

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records on the file first respondent pertaining to its order bearing Na.Ka.No.C1/11086/2013 dated 10.11.2021 and to quash the same and consequently directing the respondents to consider our applications dated 15.09.2021, 16.09.2021, 17.09.2021, 22.09.2021, 24.09.2021, 27.09.2021 and 30.09.2021 seeking to refer the matter to the appropriate court so as to enable the petitioners to get enhanced compensation for the property acquired from the petitioners.

For Petitioners : Mr.S.C.Herold Singh

For Respondents : Mr.N.Muthu Vijayan

Special Government Pleader

ORDER

The writ petition has been filed in the nature of a Certiorarified Mandamus seeking interference with an order, dated 10.11.2021 in Na.Ka.No.C1/11086/2013 of the first respondent / District



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Collector, Trichy, and consequently direct the said respondent to refer the issues relating to grant of compensation to the petitioners herein for land acquired to the appropriate authority namely, the Principal District Court, Trichy, as provided under Section 64 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

2. The award in the present case was passed on 17.07.2019.

It is common knowledge that from March 2020 onwards, owing to Covid-19 pandemic onslaught, no effective judicial steps could be taken by any of the litigants. The Hon'ble Supreme Court was deeply conscious of this particular fact and therefore, had *suo motu* extended period of limitation which would have fallen during the period of Covid-19 pandemic till 28.02.2022. This fact cannot be either denied or disputed by the first respondent/District Collector.

3. The petitioners herein had given a representation on 16.09.2021 seeking to refer the award to the appropriate



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authority/Principal District Court, Trichy, for further reference and examination of the award amount. By the impugned order, the first respondent had rejected that particular request stating that it had been presented after the statutory period as stipulated under Section 64 of the said Act, which provided that such representation must be given within a period of six months and the District Collector has authority to extend the period or rather condone the delay for a further period of one year, but it must be kept in mind that the period came right in the middle of the Covid-19 pandemic.

4. In view of this particular fact and in view of the further fact that the Hon'ble Supreme Court themselves had taken up these issues *suo motu* and had come to the rescue of every litigant /citizen across the country, the order of the first respondent / District Collector, Trichy, is set aside and the matter is remitted back to the District Collector, who may issue notice to the petitioners herein and thereafter, examine the order of the Hon'ble Supreme Court as provided in *suo motu* Writ Petition (C) No.3 of 2020 In RE: Cognizance for Extension of



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Limitation, dated 10.01.2022, whereby, the limitation was extended till 28.02.2022. The District Collector, if he/she is satisfied that the petitioners have made every endeavour to seek reference of the award before the competent authority /Principal District Court, Trichy, may, without any further delay refer the matter to the Principal District Court, Trichy, for further proceedings in manner know to law and in accordance with the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

5. The writ petition stands allowed. The impugned order of the District Collector is set aside and the District Collector is directed to pass fresh orders on the representation already given without putting to the disadvantage of the petitioners the issue of limitation within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

17.04.2023

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



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To

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Trichy,
Trichy District.

- 2.The District Revenue Officer /
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C.V.KARTHIKEYAN, J.

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