



W.P.(MD).No.16024 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **10.07.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

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W.M.P(MD).No.13435 of 2023

- 1.Govindan
- 2.Pitchai Ammal
- 3.Subramani
- 4.Perumal
- 5.Chellakutti
- 6.Rajammal
- 7.Annaimary
- 8.Palanisamy
- 9.Ramasamy
- 10.Rasu @ Sandhiyagu
- 11.Amul Mary
- 12.Sagayamary
- 13.Robert
- 14.Joseph
- 15.Kulandai Therasu

... Petitioners

Vs.

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

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

...Respondents



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PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the first respondent pertaining to the order bearing Na.Ka.No.C1/11086/2013 dated 11.04.2022 and to quash the same insofar as the petitioners land are concerned as have been enumerated and detailed in the tabular form in paragraph No.6 and consequently, directing the respondents to consider their applications dated 15.09.2021, 16.09.2021, 21.09.2021, 23.09.2021, 20.10.2021, 04.12.2021, 19.01.2022 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 within a time frame that may be stipulated by this Court.

For Petitioners : Mr.S.C.Herold Singh

For Respondents : Mr.M.Sarangan
Additional Government Pleader

ORDER

Challenging the impugned order passed by the first respondent in Na.Ka.No.C1/11086/2013 dated 11.04.2022 rejecting the request of the petitioners for enhancement of compensation for having acquired the properties of them and for a consequential direction to the respondents to consider the applications of the petitioners dated 15.09.2021, 16.09.2021, 21.09.2021, 23.09.2021, 20.10.2021, 04.12.2021 and



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19.01.2022, this Writ Petition has been filed.
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2. The petitioners are the owners of certain properties comprised in K.Periyapatti (North), Kannudaiyanpatti and Chathirapatti Village, Trichy District. The properties of the petitioners were acquired by the Government for the purpose of developing the industries and they were granted compensation for having acquired the properties. The petitioners, not satisfying with the compensation provided for the lands acquired under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, have approached the first respondent to make a reference to the competent Court to decide the quantum of the compensation under the said Act. The first respondent, vide the impugned order dated 11.04.2022, has rejected the request of the petitioners stating that the request has been made by the petitioners beyond the period of limitation. Aggrieved over the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioners submits that the award was passed on 20.10.2020 by the second respondent during



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Covid-19 pandemic period and therefore, the petitioners could not make the applications within the period of limitation as prescribed under the said Act. As per the order of the Hon'ble Supreme Court of India in *suo motu* Writ Petition (C) No.3 of 2020 dated 10.01.2022 in RE:Cognizance for Extension of Limitation, dated 10.01.2022, and the order passed by this Court in W.P(MD).No.15227 of 2022 dated 17.04.2023, the period of limitation has to be excluded. However, without considering the same, the first respondent, by referring to a provision under Section 64(2) of the said Act, has rejected the request of the petitioners stating that the petitioners ought to have made applications within a period of six months from the date of the award.

4. This Court considered the submissions made by the learned counsel appearing for the petitioners and perused the materials available on record.

5. Admittedly, the award was passed on 20.10.2020 by the second respondent during Covid-19 pandemic period. As per Section 64(2) of the said Act, the persons, who have aggrieved by the compensation



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granted by the Government for having acquired the lands, have to file the applications for the purpose of enhancement of compensation within a period of six months from the date of passing of the award. Since the award was passed by the second respondent during pandemic period, the petitioner could not make the applications within the period of limitation as stipulated under the Act. The Hon'ble Apex Court of India in *Suo motu* Writ Petition (C).No.3 of 2020 has extended the period of limitation to file the application for enhancement of compensation for having acquired the property till 28.02.2022. In fact, the applications under Section 64 of the said Act were made by the petitioners before the first respondent in the year 2021 itself. Therefore, the first respondent should have considered the application of the petitioners. Instead, the first respondent has rejected the request of the petitioners vide the impugned communication dated 11.04.2022. This Court, in similar circumstances, has allowed the writ petition filed by similarly affected persons in W.P(MD).No.15207 of 2022 on 17.04.2023 and set aside the order passed by the District Collector therein and directed the District Collector to pass orders on the representation of the writ petitioner, without insisting on the period of limitation.



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6. In view of the decision taken by this Court in W.P.(MD).No.15207 of 2022 on 17.04.2023, this Writ Petition is allowed and the impugned order passed by the first respondent in Na.Ka.No.C1/11086/2013 dated 11.04.2022 is set aside, with a direction to the first respondent to consider the matter afresh and pass necessary orders as expeditiously as possible. There shall be no order as to costs. Consequently, connected miscellaneous petition is also closed.

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Index: Yes/No
Internet: Yes/No
ssb

To

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



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B.PUGALENDHI, J.

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