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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.10.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

**W.P.(MD)No.19828 of 2020**

1.N.Nirmala  
2.M.Shantha  
3.G.Padmavathy  
4.M.Swathi

... Petitioners

-Vs-

1.The Chief Secretary to Government,  
represented by Government of Tamil Nadu,  
St.George Fort, Chennai – 600 009.

2.The District Collector,  
Office of the Collectorate,  
Ramanathapuram District,  
Ramanathapuram -623 503.

3.The Special Tahsildar,  
(Land Acquisition),  
Uppur Thermal Power Project,  
Office at Ramanathapuram,  
Ramanathapuram-623 503.

...Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the second respondent to dispose the petitioner's representations dated 15.06.2019 and its subsequent connected representations 05.11.2019 and 27.12.2019 under the Act 30 of Right to Fair Compensation Transparency in Land Acquisition, Rehabilitation and



Resettlement Act -2013 with in a specific time frame for re-determination of market value of land and compensation and also pray for the payment of compensation for the willful damages and violations of the land requiring body, in S.Nos.147/1B and 148/1 of Uppur village of Ramanathapuram District as claimed supra in para 11) under A,B,C and D.

For Petitioners :Mr.N.Shanmugaselvam  
For Respondents :Mr.A.K.Manikkam  
Special Government Pleader  
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### **ORDER**

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus directing the second respondent, namely, the District Collector to consider the representation made by the petitioners, wherein, the petitioners are seeking for enhancement of compensation fixed in the award passed by the third respondent dated 31.05.2019.

2.The case of the petitioners is that their lands were acquired under the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997. The acquisition proceedings commenced in the year 2015 by issuance of Notification under Section 3(2) of the Act. By virtue of the coming into force of the Right to Fair Compensation Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARRA), the compensation payable to the petitioners was determined by the third respondent through award



dated 31.05.2019.

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3.It is stated by the petitioners that the award was credited to the bank accounts of the petitioners and the petitioners had submitted their objections and sought for enhancement of compensation before the District Collector through their representations dated 15.06.2019. Even thereafter, the petitioners made various representations to the District Collector. Since the same were not considered, the present Writ Petition has been filed before this Court.

4.Heard Mr.N.Shanmugaselvam, learned Counsel appearing for the petitioner and Mr.A.K.Manikkam, learned Special Government Pleader appearing for the respondents.

5.As per the scheme of 2013 Act, where a person is not agreeable to the award, that was fixed by the appropriate authority, he can always make a reference seeking for enhancement by giving written application to the Collector. The Collector, on receipt of the same, has to make reference to the appropriate authority within a period of thirty days from the date of receipt of the application. If the Collector does not make reference, it is left to the aggrieved person to directly apply to the appropriate authority seeking for enhancement of compensation.



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6. In the instant case, the petitioners right from 15.06.2019 have been making their objections towards the fixation of compensation and the Collector has not referred the claim made by the petitioners to the appropriate authority. The Act itself prescribes the manner in which the Collector has to refer the matter to the appropriate authority starting from Section 64 of the Act and the manner in which the appropriate authority has to determine the award under Section 69 of the Act. Depending upon the determination by the appropriate authority, the excess compensation, if any fixed, will be paid with interest under Section 72 of the Act. A further appeal is also provided from the order of the appropriate authority under Section 69 of the Act to this Court under Section 74 of the Act.

7. In view of the scheme of the Act, there shall be a direction to the second respondent to refer the objections made by the petitioners on 15.06.2019 to the appropriate authority within a period of four weeks from the date of receipt of a copy of this order. Based on the reference made by the second respondent, the appropriate authority shall proceed further to consider the objections made by the petitioners and decide upon the enhancement of compensation fixed for the acquisition of the lands belonging to the petitioners. This process shall be completed by the appropriate authority within a period of six months from the



date of reference made by the District Collector.

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8.This Writ Petition is disposed of in the above terms. No costs.

**09.10.2023**

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

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To

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**N.ANAND VENKATESH, J.**

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