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W.P. No.1097 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.1097 of 2024 and
W.M.P. No.1155 of 2024

K.Sampath

... Petitioner

Vs.

1. The District Collector
Office of the District Collector
Salem

2. The Special District Revenue Officer (Land Acquisition)
Chennai - Kanyakumari Industrial Corridor Project
Plot No.74, Vijayaraghavan Nagar
Jagir Ammapalayam
Salem - 636 302

3. The Special Tahsildar
Chennai - Kanyakumari Industrial Corridor Project
Sankagiri Unit
Omalur Taluk Unit
Salem

4. The Village Administrative Officer
Office of the Village Administrator
Kachupalli Village
Konganapuram Block
Salem District

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 2nd respondent to re-fix the Award



dated 23.07.2021 in Na.Ka.No.6/2018/A4 in Award No.64/2020 (SH No.86) for the petitioner's land and building in S.No.361/1C1A, Katchupalli Village, Konganapuram, Idappadi Taluk, Salem District, by adopting S.26 and 31 of RFCTLARR, Act in a proper perspective and pay the same with 12% interest within a time stipulated by this Court.

For Petitioner : Mrs.Radhika Boopathi

For Respondents : Ms.Akila Rajendran
Government Advocate

ORDER

This Writ Petition is filed seeking a Writ of Mandamus directing the 2nd respondent to re-fix the Award dated 23.07.2021 in Na.Ka.No.6/2018/A4 in Award No.64/2020 (SH No.86) for the petitioner's land and building in S.No.361/1C1A, Katchupalli Village, Konganapuram, Idappadi Taluk, Salem District, by adopting S.26 and 31 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, in a proper perspective and pay the same with 12% interest within a time stipulated by this Court.

2.The contention of the petitioner is that the petitioner's land was acquired for extension of State Highway 86 under Chennai -Kanyakumari



Industrial Corridor Scheme and Award was also passed. When the petitioner objected for the rate fixed for the acquired land and building, he was instructed to receive the Award at the first instance and thereafter to challenge the same by way of appeal under Section S.64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 within a period of six months from the date of Award. Accordingly, the petitioner preferred an appeal before the 2nd respondent on 14.10.2021. But the same was kept pending. A reminder was also sent on 05.07.2023 and the same was also kept in a cold storage. Thereafter, the petitioner submitted a petition on 11.09.2023 before the 1st respondent on a Public Grievance Day to re-fix the Award and that was also not looked into. Hence, the petitioner was constrained to file the present writ petition before this Court.

3. Ms.Akila Rajendran, learned Government Advocate who takes notice for the respondents submitted that a direction may be issued to the respondents to dispose of the appeal filed by the petitioner within a stipulated time as the case may be.



4. Heard and perused the materials available on record.

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5. It is to be noted that this Court, in W.P.No.262 of 2018 (D.Tulasi vs. The District Revenue Officer, Dharmapuri etc. and batch), by order dated 09.06.2023, directed the Department to issue circular in regard to disposal of the application/petition/revision/appeals and etc., within time limit and obey the Court orders and in that regard, the Commissioner of Land Administration has also issued a circular No.R1/2005632/2022 dated 17.07.2023 as to how the matters have to be dealt with and within the period of which, the matters have to be disposed of has been fixed in the circular, and inspite of the same, the Departments are not following either the order of this Court or the circular.

6. It is seen that the petitioner has filed the appeal on 14.10.2021 and now we are in the year of 2024 and still the same is pending. However, since this writ petition is filed seeking a simple writ of mandamus, this Court without expressing any opinion with regard to the merits of the case, directs the respondents to issue notice to the petitioner and the respondent/s in the appeal and also to the interested parties/rival claimants/objectors if any, as



the case may be and conduct enquiry in the manner known to law and dispose of the petitioner's appeal dated 14.10.2021 on merits and in accordance with law. The said exercise shall be completed within a period of two months from the date of receipt of a copy of this order.

7. With the above directions, this Writ Petition is disposed of at the admission stage itself. Consequently, connected Miscellaneous Petition is closed. There shall be no order as to costs.

19.01.2024

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



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P.VELMURUGAN. J.

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