



WEB COPY



WP.No.9310 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.9310 of 2024

M.Bharathi Devi @ Dhevi Mohan

.. Petitioner

Versus

1.The State of Tamil Nadu
Rep by its Secretary to Government
Revenue Department
Fort St.George, Chennai – 600 009

2.The District Collector
Chennai District Collectorate
“Ma Singaravelar Maligai”
Rajaji Salai, Chennai – 600 001

3.The Special District Revenue Officer
(Land Acquisition)
Highways Department
Metropolitan Wing,
Alandur, Chennai – 600 016

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 & 2 to refer the petitioner's claim to the concerned authority for determination of appropriate compensation for acquisition of the petitioner's property at No.4/252 (Plot No.145 New No.115) East Coast Road, Neelankarai, Chennai – 600 115 comprised in Survey Nos.47/5B1, 47/5B2B and 88/1C measuring an extent of 7050.34 sq.ft by fixing a time frame for determination and disposal of the petitioner's claim for higher compensation before the Authority constituted under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 in view of the petitioner's representation dated 29.10.2021, 03.12.2021 and 06.04.2023.



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For Petitioner : Mr.J.Ashok
For Respondent : Mr.A.Selvendran
Special Government Pleader

ORDER

This writ petition is filed for a direction to the respondents 1 & 2 to refer the petitioner's claim to the concerned authority for determination of appropriate compensation for acquisition of the petitioner's property at No.4/252 (Plot No.145 New No.115) East Coast Road, Neelankarai, Chennai – 600 115 comprised in Survey Nos.47/5B1, 47/5B2B and 88/1C measuring an extent of 7050.34 sq.ft by fixing a time frame for determination and disposal of the petitioner's claim for higher compensation before the Authority constituted under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 in view of the petitioner's representation dated 29.10.2021, 03.12.2021 and 06.04.2023.

2. The petitioner's lands was acquired under the Tamil Nadu Highways Act 2001 and award was passed under Section 19(6) of the Act. Further, aggrieved by the award amount, the petitioner made representations seeking for reference under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. which is pending without till date. Hence, seeks direction.



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3. Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 makes it clear that the District Collector shall refer the matter to the appropriate authority within a period of thirty days from the date of application.

4. Such view of the matter, the second respondent is directed to consider the representation of the petitioner and refer the matter to the appropriate authority under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 within a period of one month from the date of receipt of a copy of this Order.

5. Accordingly, this writ petition stands disposed of. No costs.

05.04.2024

dhk
Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No

N. SATHISH KUMAR, J.



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To,

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