



W.P.No.9288 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WP.No.9288 of 2024

1. V.Dheenadayalan
2. V.Rajeswari
3. V.Kalaivani
4. V.Anandkumar
5. V.Chandra

... Petitioners

Vs

1. The District Collector,
Coimbatore District, Coimbatore – 18.
2. The Land Acquisition Officer /
Special District Revenue Officer,
Land Acquisition cum Management Unit,
O/o.Coimbatore [South] Taluk Office Campus,
Coimbatore – 18.
3. The Deputy Collector,
Land Acquisition,
O/o.Coimbatore [South] Taluk Office Campus,
Coimbatore – 18.
4. The Special Tahsildar,
Land Acquisition cum Management Unit,
O/o.Coimbatore [South] Taluk Office Campus,



W.P.No.9288 of 2024

Coimbatore – 18.

5. The Divisional Engineer,
Highways, Construction and Maintenance,
Coimbatore – 18.

... Respondents

Prayer:- Writ Petition filed under the Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the entire records relating to the impugned Order passed by the second respondent in his Land Acquisition File No.87/2022/Ni.A.1 – Award No.8/2023, dated 13.10.2023 and quash the same and consequently directing the respondents to fix enhancement compensation in so far relate to the petitioners land situated n S.F.No.1033/1C, Madhukarai Village, Madhukkarai Taluk, Coimbatore District to the extent of 25.70 cents [1032 sq.meter] by taking note of the compensation paid as per document No.2218/2021, dated 09.03.2021 to the petitioners together with interest, solatium and multiplicity by invoking Under the Provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 [Central Act 30/2013].

For Petitioners : Mr.C.Prakasam

For Respondents : Mr.P.Sathish,
Additional Government Pleader



W.P.No.9288 of 2024

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ORDER

This Writ Petition has been filed to quash the award passed by the first respondent dated 13.10.2023 and consequently, direct the first respondent to fix enhanced compensation relating to the petitioner.

Heard Mr.C.Prakasam, learned counsel appearing for the petitioner and Mr.P.Sathish, learned Additional Government Pleader appearing for the respondents.

2. It is the case of the petitioner that an extent of 1032 sq.m of land was acquired by the Highways Department and the Land Acquisition Officer has fixed very less compensation. Whereas for the neighbouring land owners compensation is fixed at Rs.9 lakhs. Hence, seeks to quash the acquisition award.

3. At the outset, this Court is of the view that the Writ Petition is not maintainable. If anyone is aggrieved over the decision of the



W.P.No.9288 of 2024

Collector, he has to file an appeal within 60 days of such an award to make reference to the Tribunal. When this Court posed such a question, the learned counsel appearing for the petitioner has submitted that the award has been passed on 13.10.2023 and the award copy has been served to the petitioner only on 15.03.2024. His submissions is substantiated by the representation given by the petitioners dated 09.11.2023 requesting to furnish a copy of the award and the award has been served to the petitioner only on 15.03.2024.

4. In such view of the matter, this Court is of the view that as the representation has already been given and the same is pending before the District Collector, based on the said representation, the District Collector shall refer the matter to the Tribunal under section 20 of the Tamilnadu Highways Act for fixing enhanced compensation as per law and such reference shall be made within a period of two weeks from the date of receipt of a copy of this Order.



W.P.No.9288 of 2024

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5. Accordingly, this Writ Petition is disposed of. Consequently,
connected miscellaneous petition is closed. No costs.

03.04.2024

Index:Yes/No

Neutral Citation : Yes/No

vrc

To,

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W.P.No.9288 of 2024

N.SATHISH KUMAR, J.

VTC

WP.No.9288 of 2024

03.04.2024