



W.P.No.27204 of 2024

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2024

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THE HONOURABLE MR. JUSTICE S. SOUNTHAR

W.P No.27204 of 2024

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...Petitioner

Vs.

1. The District Collector cum
Land Acquisition Officer,
Chinnasalem - Kallakurichi,
New Broad Gauge Railway Line Project,
Kallakurichi District.
2. The Special Tahsildar,
Land Acquisition,
Chinnasalem - Kallakurichi,
New Broad Gauge Railway Line Project,
Kallakurichi District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 16.08.2024, seeking correction in the award dated 20.06.2024 passed by the first respondent in Na.Ka.Aa.1/2674/2019 as per Section 33 of the RFCTLARR, Act, 2013, in so far as the extent of land



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acquired by the respondents as 762 sq.ft instead of 538 sq.ft. comprised in S.No.219/3A, situated in Kallakurichi Village, Kallakurichi Taluk and District and to pay the amount of compensation with respect to the left out land in the award measuring an extent of 224 sq.ft. and building therein to the petitioner, within the time frame as may be fixed by this Court.

For Petitioner : Mr.S.Senthil

For Respondents : Mr.P.Sathish
Additional Government Pleader

ORDER

The petitioner herein seeks a direction to the first respondent to consider his representation dated 16.08.2024, seeking correction in the award dated 20.06.2024 passed by the first respondent in Na.Ka.Aa.1/2674/2019, in the light of Section 33 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

2. By consent of both the learned counsel appearing for the petitioner as well as respondents, this writ petition is disposed of at the admission stage itself.



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3. It is the case of the petitioner that the first respondent issued a notification for acquisition of the property with an extent of 762 sq.ft comprised in S.No.219/3A, situated in Kallakurichi Village, Kallakurichi District. Accordingly, the entire extent of the property was acquired. However, by the award dated 20.06.2024 passed by the first respondent, the compensation was determined only for the extent of 538 sq.ft. instead of 762.25 sq.ft. as mentioned in the notification. Seeking correction with regard to the extent mentioned in the award passed by the first respondent as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, the petitioner submitted a representation dated 16.08.2024 and the same has not been considered till date. Therefore, the petitioner is before this Court.

4. Mr.P.Sathish, learned Additional Government Pleader, who takes notice for the respondents would submit that the representation of the petitioner will be considered on its own merits and appropriate orders will be passed.

5. In view of the above submission made by the learned Additional



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Government Pleader, without going into the merits of the claim made by the petitioner, this Court is inclined to issue a direction to the first respondent to consider the representation of the petitioner dated 16.08.2024 and pass final orders, after issuing notice to all interested parties, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs.

20.09.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order

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To



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S. SOUNTHAR, J.

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