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W.P.No.29281 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.10.2024

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.29281 of 2024

Arumugham

...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 19.08.2024 seeking correction in the award dated 20.06.2024 passed by the 1st 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 acquired by the respondents as 1352 sq.ft instead of 1076 sq.ft equalling 0.01.0 hectare, comprised In S.No.158/2A4, situated in Kallakurichi Village,



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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 276 sq.ft to the petitioner, within the time within fixed by this Court.

For Petitioner : Mr.S.Senthil
For Respondents : Mr.D.Gopal
Government Advocate

ORDER

The petitioner herein seeks a direction to respondents to consider his representation dated 19.08.2024 seeking correction in the award passed by the 1st respondent dated 20.06.2024.

2. It is the case of the petitioner that he is the owner of 1352 Sq.feet of land situated in Survey.No.158/2A4 at Kallakurichi Village, Kallakurichi Taluk and Kallakurichi District and the entire extent in the said survey number was acquired by the respondents for forming a new railway line. The 2nd respondent, at the time of passing award, calculated the compensation for a lesser extent of 1 ares by taking into considering the patta issued in the name of petitioner. The learned counsel for the petitioner, by taking this Court to the linear measurement found in the FMB issued to the above mentioned property, submits that the petitioner is entitled to 1352 Sq.feet of land in the above



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mentioned survey number. The 2nd respondent passed award only for a lesser extent. In order to correct the extent mentioned in the award, the petitioner submitted a representation before the respondent on 19.08.2024 and the same has not been considered. Hence, he is before this Court.

3. The learned Government Advocate, who is taking notice for the respondents 1 and 2, submits that the representation of the petitioner will be considered on its' own merits within a time fixed by this Court.

4. In view of the same, without going into the merits of the claim made by the petitioner, this Court is inclined to issue direction to the 1st respondent to consider the representation of the petitioner dated 19.08.2024 and pass final orders in the light of Section 33 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 within a period of six weeks from the date of receipt of copy of this order.



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5. With the above directions, this writ petition is disposed of. No costs.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
nr

To

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S.SOUNTHAR, J.

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