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W.P.No.31416 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.31416 of 2024

Ramalingam

... 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 is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents to consider the Petitioner's representation dated 12.09.2024, 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



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instead of 1076 Sq.ft equalling 0.01.0 hectare, comprised in S.No.158/1A8, situate 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 276 Sq.ft 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

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.

2. The petitioner herein seeks a direction to the respondents to consider his representation dated 12.09.2024 seeking correction in the award with regard to the extent of the land acquired as 1352 sq.ft., instead of 1076 sq.ft.



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WEB CONTENT

3. It is the case of the petitioner that 1352 sq.ft., of land situated in S.No.158/1A8 belonged to the petitioner has been acquired for the purpose of laying New Broad Gauge Railway Line. The Competent Authority passed an award and calculated the compensation as if, 1076 sq.ft., of land has been acquired by the respondents. The said acquisition was based on patta, which was issued only for 1076 sq.ft. It is further stated by the petitioner that in the FMB, the extent of the property is correctly mentioned as 1352 sq.ft. In the title document of the petitioner dated 12.02.2008 also, the extent of the property is mentioned as 1352 sq.ft. Therefore, the petitioner submitted a representation dated 12.09.2024 seeking correction in the award with regard to the extent of the property for which the compensation amount was calculated within the time stipulated by this Court. The same has not been considered till date. Hence, the petitioner is before this Court.

4. The learned counsel appearing for the petitioner by taking this Court to Section 33 of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013, submitted that the respondents can correct the award with regard to extent by exercising the power under Section 33 of the said Act.



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5. Mr.P.Sathish, learned Additional Government Pleader, who is taking notice for the respondents would submit that the representation of the petitioner dated 12.09.2024 will be considered by the 1st respondent on its own merits and in accordance with law, within the time fixed by this Court.

6. In view of the same, without going into the merits of the claim made by the petitioner, this Court is inclined to direct the 1st respondent to consider the representation of the petitioner dated 12.09.2024 and pass final orders on its own merits and in accordance with law, within a period of six weeks from the date of receipt of copy of this order.

7. With the above direction, the Writ Petition stands disposed of. No costs.

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Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dm



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S.SOUNTHAR, J.

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