



WP.Nos.37371, 37373 &
37375 of 2024

In the High Court of Judicature at Madras

Dated : 16.12.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition Nos.37371, 37373 & 37375 of 2024

T.Karthikeyan

...Petitioner in
all the WPs

Vs

1.The District Collecotor & Land
Acquisition Officer (Project of
Formation of New Broad Gauge
Railway Line Between Chinna
Salem & Kallakurichi),
Office of the District Collector,
Kallakurichi.

2.The Special Tahsildar (Land
Acquisition), Southern Railway,
Office of the Taluk Tahsildar,
Kallakurichi.

...Respondents in
all the WPs

PETITIONS under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st respondent to refer the petitioner's individual applications dated 16.8.2024 seeking enhancement of land compensation in respect of the lands (i) to an extent of 0.01.5 Ares comprised in Re-Survey No.220/1C8, (ii) to an extent of 0.01.5 Ares in Re-Survey No.223/1A and (iii) to an extent of 0.04.5 Ares in Re-Survey No.223/2A, to an extent of 0.25.5 Ares in



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Re-Survey No.228/2A and to an extent of 0.01.0 Ares in Re-Survey No.229/1A, all situated at Kallkurichi Village, Kallakurichi Taluk and District to the Appropriate Authority concerned for enhancement of compensation as per Section 8 of Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997 (Tamil Nadu Act 10/1999) read with Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 within a time frame to be stipulated by this Court.

For Petitioner in all
the WPs : Mr.R.Bharath Kumar

For Respondents in
all the WPs : Mr.A.Selvendran, SGP

COMMON ORDER

Seeking a Mandamus to the first respondent to refer the petitioner's applications dated 16.8.2024 seeking enhancement of compensation in respect of the lands acquired under Section 8 of Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997 read with Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader accepting notice for the respondents.



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3. The case of the petitioner is that he is the absolute owner of the properties measuring 0.01.5 Ares comprised in Re-Survey No. 220/1C8, measuring 0.01.5 Ares in Re-Survey No.223/1A, measuring 0.04.5 Ares in Re-Survey No.223/2A, measuring 0.25.5 Ares in Re-Survey No.228/2A and measuring 0.01.0 Ares in Re-Survey No.229/1A, all situated at Kallkurichi Village, Kallakurichi Taluk and District. He acquired the said properties by way of purchase at various spells. The land acquisition proceedings were initiated in respect of the said properties for the purpose of forming a new broad gauge railway line between Chinnasalem and Kallakurichi.

4. The first respondent passed three awards all dated 20.6.2024 in terms of Section 7 of the 1997 Act and Sections 26 to 30 of the 2013 Act and the total compensation was determined, which was very low. Hence, the petitioner made three individual applications dated 16.8.2024 to the first respondent seeking to refer matters to the Appropriate Authority under Section 8 of the 1997 Act and Section 64 of the 2013 Act. However, to date, the said applications have not been referred to the Appropriate Authority. Hence the writ petitions.



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5. The main grievance of the petitioner is that the lands in question would fetch Rs.8,000/- per sq.ft., the first respondent determined only a meagre sum as compensation. According to the petitioner, the subject lands have a huge potential on account of the locational advantages. Hence, the petitioner sought a reference. Though the applications were dated 16.8.2024, the first respondent has not processed them nor referred the matters to the appropriate Authority under Section 8 of the 1997 Act read with Section 64 of the 2013 Act.

6. Accordingly, the writ petitions are allowed and a Mandamus is issued to the first respondent to consider his individual applications dated 16.8.2024 to refer the petitioner's applications dated 16.8.2024 to the appropriate Authority for enhanced compensation and pass orders within a period of 8 weeks from the date of receipt of a copy of this order after giving him a personal hearing. No costs.

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P.T.ASHA,J

RS

To

- 1.The District Collecotor & Land Acquisition Officer (Project of Formation of New Broad Gauge Railway Line Between Chinna Salem & Kallakurichi),
Office of the District Collector,
Kallakurichi.
- 2.The Special Tahsildar (Land Acquisition), Southern Railway,
Office of the Taluk Tahsildar,
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