



W.P.No.35999 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2024

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.35999 of 2023

Karunampal

... Petitioner

versus

1.The District Collector,
Collectorate,
Erode – 638 011,
Erode District.

2.The Special District Revenue Officer/
Land Acquisition Officer,
TN Road Development Project II,
Salem – 636 005.

3.The Divisional Engineer,
Highways Department,
TN Road Development Project II,
Tiruppur, Tiruppur District.

.....Respondents

Writ Petition filed under Article 226 of Constitution of India, praying
to issue a Writ of Mandamus, directing the 2nd respondent to refer the Award

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No.14/2022-2023, dated 25.08.2023 (copy not given) to the 1st respondent for enhancement of the compensation in respect of the lands measuring an extent of 64 sq. meters in S.F.No.104/1C, Kumilamparappu Village, Erode District, by considering the petitioner's representation dated 30.10.2023 under Section 64 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

For Petitioner : Mr.N.Manokaran

For Respondents : Mr.A.Selvendran
Special Government Pleader

ORDER

Mr.A.Selvendran, learned Special Government Pleader accepts notice for the respondents. With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This Writ Petition has been filed seeking for a mandamus directing the second respondent to refer the Award No.14/2022-2023, dated 25.08.2023 to the first respondent for enhancement of the compensation in
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respect of the lands measuring an extent of 64 sq.mts in S.F.No.104/1C situated at Kumilamparappu Village, Erode District, by considering the petitioner's representation dated 30.10.2023 under Section 64 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement, Act 2013 (Central Act 30 of 2023).

3. According to the petitioner, her lands measuring an extent of 64 sq.mts in S.F.No.104/1C situated at Kumilamparappu Village, Erode District, was acquired by the second respondent for the purpose of widening the State Highways (SH15). Since the amount in the Award passed by the competent authority is only very meager, she submitted an application/representation dated 30.10.2023 to the respondents seeking to refer the representation of the petitioner to the first respondent/District Collector for determination of enhanced compensation. Since no action was taken, the present writ petition is filed.



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4. Heard both sides and perused the materials available on record including the counter affidavit.

5. It is seen from the typed set of papers filed by the respondents that the second respondent/Land Acquisition Officer, instead of referring the Award No.14/2022-2023, dated 25.08.2023 to the first respondent for enhancement of the compensation, referred the same to the learned Principal District Judge, Erode, which is unwarranted under the National Highways Act. The District Collector is the Arbitrator. Aggrieved by the Award passed by the Land Acquisition Officer, if the parties made any application/representation for enhancement of compensation, the Land Acquisition Officer has to refer the same to the District Collector/Arbitrator. On receipt of the same, the District Collector/Arbitrator has to consider the same and pass orders.



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6. Therefore, the second respondent/Land Acquisition Officer is directed to refer the Award No.14/2022-2023, dated 25.08.2023 to the first respondent/District Collector, thereby, the first respondent/District Collector is directed to issue notice to the petitioner as well as all the interested parties if any, and pass appropriate orders on merits and in accordance with law. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

7. With the above direction, the writ petition is allowed. However, there shall be no order as to costs.

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Index: Yes/No

Speaking Order : Yes/No

Neutral Citation Case : Yes/No

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To

- 1.The District Collector,
Collectorate,
Erode – 638 011,
Erode District.
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Salem – 636 005.
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