



W.P.No.38203 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T.ASHA

W.P.No.38203 of 2024

P.Sekar

.. Petitioner

Vs.

1. The District Collector/Land Acquisition Officer,
(Project of Formation of New Broad Gauge Railway line
Between Chinnasalem and Kallakurichi)
Kallakurichi, Kallakurichi District.

2. The Special Tahsildar(Land Acquisition)
Southern Railways,
Kallakurichi,
Kallakurichi District.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representations dated 16.05.2023 seeking correction in the award dated 20.06.2024 passed by the 1st respondent in Award No.11 Ka.Na.AA11/2674/2019 in so far as the extent of land acquired by the respondents as 1466 ¼ Sq.fts instead of 0.01.0 hectare of land which is 1076 Sq.fts, comprised in Survey



W.P.No.38203 of 2024

Nos. 158/1A9 and 158/2A6, property situated in Kallakurichi Village, Kallakurichi Taluk and District and to pay the amount of compensation with respect to the left out land in award, measuring an extent of 390.25 sq.ft to the petitioner and all other compensatory benefits which the petitioner is allowed along with interest @15% per annum from 20.06.2024 till the date of payment under the provisions of RFCTLARR, Act, 2013.

For Petitioner : Mr.P.Rajavel
For Respondent : Mr.A.Selvendran
Special Government Pleader

ORDER

This petition has been filed for the following relief:

“To issue a writ of mandamus, directing the respondents to consider the petitioner's representation dated 16.05.2023 seeking correction in the award dated 20.06.2024 passed by the 1st respondent in Award No.11 Ka.Na.AA1/2674/2019 in so far as the extent of land acquired by the respondents is concerned, which is 1466 $\frac{1}{4}$ Sq.ft



W.P.No.38203 of 2024

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instead of 0.01.0 hectare of land which is 1076 Sq.ft, comprised in Survey Nos. 158/1A9 and 158/2A6, property situated in Kallakurichi Village, Kallakurichi Taluk and District and to pay the compensation amount with respect to the left out land in award, measuring an extent of 390.25 sq.ft to the petitioner and all other compensatory benefits along with interest @15% per annum from 20.06.2024 till the date of payment under the provisions of RFCTLARR, Act,2013.”

2. The petitioner is the absolute owner of the land comprised in Old Survey Nos.158/1 and 158/2 which, after sub division, is now new Survey No.158/1A9 and 158/2A6, measuring an extent of 1466 ¼ sq.ft in Kallakurichi Village, Kallakurichi Taluk and District. This property was purchased by the petitioner under a registered Sale Deed dated 12.12.2008. On 12.06.2012, administration sanction was granted by



W.P.No.38203 of 2024

the State of Tamil Nadu vide G.O.Ms.No.111, Transport(I.1) Department, for acquiring an extent of 4878 sq.mtrs of Natham land for forming a new broad gauge railway line between Chinnasalem and Kallkurichi.

3. The petitioner would further submit that the sanction for acquisition was granted under the provisions of Section 17(2) of Land Acquisition Act, 1894. Pending the process, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act No.30 of 2013) had come into force and the Land Acquisition Act, 1894 stood repealed with effect from 01.01.2014. Thereafter, the original Government Order was modified and G.O.Ms.No.49, Transport (I.1) Department, dated 05.05.2016 marginally reducing the extent of land to be acquired and also changing the acquisition to be made under the provisions of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (Tamil Nadu Act, 10 of 1999), hereinafter referred to as “the Act”. The



W.P.No.38203 of 2024

petitioner would submit that a paper publication under Section 3(2) of the Act was published on 04.07.2016. Thereafter, a notification under Section 3(1) of the Act was published in the Tamil Nadu Gazette dated 31.12.2017 and a notice was also issued to the petitioner on 03.03.2018 under Section 7(2) of the Act calling for objections.

4. The petitioner would submit that he had given his objections on 16.05.2023 stating that he had purchased an extent of 1466 $\frac{1}{4}$ sq.ft of land under the Sale Deed dated 12.02.2008. The 2nd respondent has acquired the said extent of land instead of 1076 sq.ft as notified. Therefore, the petitioner sought for compensation for the extent of 390.25 sq.ft. Without considering this objection, the respondents had decided to acquire the petitioner's land. The 2nd respondent has passed an Award in Award No.11 in Na.Ka.AA1/2674/2019 dated 20.06.2024 fixing the market value at Rs.4,520/- per sq.mtr. The petitioner has also given a representation dated 16.05.2023 to the respondents to pay the compensation for the land not included in the notification but



W.P.No.38203 of 2024

which has been acquired. However, no action was taken to date.

Therefore, the petitioner has filed the above writ petition.

5. Heard the learned counsels on either side.

6. A perusal of the notice dated 07.11.2022 issued under Section 7(5) of the Act would clearly show that the property which is the subject matter of the acquisition in S.No.158/1A9 and 158/2A6 is an extent of 0.01.0 hectares, which is only 1076 sq.ft whereas the land that has now been acquired is an extent of 1466 $\frac{1}{4}$ sq.ft. This is evident from the Memorandum of the District Collector dated 30.05.2023.

7. Therefore, considering the above facts and circumstances of the case, the writ petition is allowed and a mandamus is issued to the respondents to consider the petitioner's representation dated 16.05.2023 seeking correction in the Award dated 20.06.2024 and to incorporate the compensation for the extent of 390.25 sq.fts. and pass a speaking



W.P.No.38203 of 2024

order within a period of four weeks from the date of receipt of a copy of this order. No costs.

17.12.2024

Index : Yes/No
Internet : Yes
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W.P.No.38203 of 2024

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W.P.No.38203 of 2024

17.12.2024