



W.P.(MD)No.5648 of 202

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)No.5648 of 2024

- 1.K.Amsavalli
- 2.Saravanan
- 3.Sulochana
- 4.G.Tamilselvan
- 5.Veerakumar
- 6.M.Navaneetha Krishnan
- 7.Josh T.Kuriakosh
- 8.Kannamani
- 9.Nehrudasan
- 10.P.Kannan
- 11.T.A.Samson
- 12.S.Abraham
- 13.Karpagam
- 14.M.Duraikannan
- 15.Gejeswari
- 16.Vijaykumar
- 17.Parthiban



W.P.(MD)No.5648 of 202

18.G.Thiyagarajan

19.S.Rajasekar

20.Radha

21.Leema

22.P.Sarathambal

23.M.Anand

24.B.Karthikeyan

25.Peter Praveeen

26.Pushpanathan

27.Amalanathan

28.Julie Catharine

29.D.Saravanan

30.Ramanujam

31.Sankaran

32.C.Arivazhagan

33.Rajalakshmi

34.P.Saravanan

35.Valliammal

36.K.Suresh

37.Karuppaiya

38.Dhamodharan

39.Manimekalai



W.P.(MD)No.5648 of 202

40.M.Savarimuthu

41.Christy

42.Edward Arokiyaraj

43.Gokul

44.Valarmathi

45.Thenmozhi

46.N.Tamizharasi

47.Srinivasan

48.K.Ramachandran

49.M.Valliammal

50.J.Ravichandran

51.Vidhyasagar

52.Kathiresan

53.Selvaraj

54.Sivakumar

55.Mohamed Farook

56.V.Saminathan

57.Selva Sabarirajan

58.P.Gracy

59.B.Saravanan

60.V.Muthuramalingam

61.G.Senthilkumar



W.P.(MD)No.5648 of 202

62.Ambika

63.Prakash

64.Suresh

65.Saffiya Beevi

66.Saroja

67.V.Ramachandran

68.Meyyanathan

69.Louis Ponnusamy

70.Britto Xavier

71.T.Sivakumar

72.K.V.Revathi

73.J.Saravanan

74.Subramaniya Sharma

75.Saharban Begam

76.Yagappa Philominraj

... Petitioners

Vs.

1.The District Revenue Officer,
Land Acquisition, Collector Office, Thanjavur.

2.The Divisional Engineer,
Highways Nabard and Rural Roads,
Thanjavur.

... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India,



W.P.(MD)No.5648 of 202

to issue a Writ of Mandamus to direct the first respondent to refer the Award No.8 of 2013, affecting the petitioners herein, to a competent Civil Court for enhancement of compensation as per Revalidation Act, 2019 with reference to Act 30 of 2013, within the time frame to be fixed by this Court.

For Petitioner : Mr.V.Ramesh for Mr.V.Balaji
For Respondents : Mr.A.Kannan,
Additional Government Pleader

ORDER

Heard both sides.

2.The lands belonging to the petitioners herein were acquired under the provisions of the Tamil Nadu Act 34 of 2002. Common award was passed on 30.12.2013. The specific case of the petitioners is that copy of the award was not served on them. To a specific question posed by the court, the learned Additional Government Pleader is unable to give any definite answer. Section 19(1) of the Tamil Nadu Highways Act, 2001 reads as follows :

“19(1)Where any land is acquired by the Government under this Act, the Government shall pay an amount for such acquisition, which shall be determined in accordance with the provisions of this section.

(2)Where the amount has been determined by agreement between the Government and the person to whom



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W.P.(MD)No.5648 of 202



the amount has to be paid, it shall be paid in accordance with such agreement.

(3)Where no such agreement can be reached, the Government shall refer the case to the Collector for determination of the amount to be paid for such acquisition as also the person or persons to whom such amount shall be paid.

Provided that no amount exceeding such amount as the Government may, by general or special order, specify to be paid for such acquisition shall be determined by the Collector without the previous approval of the Government or such officer as the Government may appoint in this behalf."

3.Since proof is not forthcoming as to the service of the award on the petitioners herein, the petitioners herein are permitted to submit a common application to the first respondent within a period of two weeks from the date of receipt of copy of this order. On such application being filed, the first respondent is directed to refer the matter to the jurisdictional court within a period of three weeks thereafter. Reference will be entertained and taken on file immediately by the court concerned. Since the matter dates back to the year 2013, the reference court shall endeavor to answer the reference and determine the amount payable to the petitioners as expeditiously as possible.



W.P.(MD)No.5648 of 202

4.This writ petition is disposed of. No costs.

12.03.2024

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Internet : Yes/No
Index : Yes/No
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To

- 1.The District Revenue Officer,
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- 2.The Divisional Engineer,
Highways Nabard and Rural Roads,
Thanjavur.



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W.P.(MD)No.5648 of 202

G.R.SWAMINATHAN, J.

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WP(MD)No.5648 of 2024

12.03.2024