



W.P(MD)No.7057 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7057 of 2024

- 1.K.Banumathi
- 2.S.Gurumoorthy
- 3.K.Jayabalan
- 4.Neelamalar
- 5.Marimuthu
- 6.Thiyagarajan
- 7.Rukumani
- 8.M.Selvi
- 9.Sornam
- 10.Gunasekar
- 11.Thakirunnisha
- 12.Sethu
- 13.P.Venkateswaran
- 14.Jane Vimala
- 15.S.Palanidurai
- 16.R.Nagalakshmi
- 17.T.Kannan

... Petitioners

Vs.



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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, praying this Court to issue a Writ of Mandamus, directing the 1st 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 fixed by this Court.

For Petitioners : Mr.V.Balaji

For Respondents : Mr.D.Gandhiraj,
Spl. 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



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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 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



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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.

4.This writ petition is disposed of. No costs. Connected miscellaneous petition is closed.

22.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

To:-

- 1.The District Revenue Officer,
Land Acquisition,
Collector Office,
Thanjavur.
- 2.The Divisional Engineer,
Highways NABARD and Rural Roads,
Thanjavur.



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G.R.SWAMINATHAN, J.

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