



W.P(MD)No.8372 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.04.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.8372 of 2024

V.Saravanan

... Petitioner

Vs.

- 1.The District Collector,
Tirunelveli,
Tirunelveli District.
- 2.The Special Deputy Collector,
(Interlinking of River's Scheme),
Office of the District Collector,
Tirunelveli.
- 3.The District Revenue Officer,
Tirunelveli,
Tirunelveli District.
- 4.The Special Tahsildar
(Land Acquisition),
Interlinking of Rivers (Unit-5),
Radhapuram at Nanguneri,
Tirunelveli District.

5.A.Thomsan

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to take action on the petitioner's representation seeking to deposit the award amount and refer the dispute to the competent civil Court as per section 77 of the Right to Fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 for the petitioner's lands acquired in pursuance to the G.O.(Ms)No. 123 Public Works (P-2) Department dated 06.05.2020 and G.O.(Ms)No. 139 Public Works (P2) Department dated 23.05.2020 issued by the Principal Secretary to Government, Tamilnadu.

For Petitioner : Mr.R.J.Karthick

For Respondents : Mr.D.Sasikumar
Additional Government Pleader
for R.1 to R.4

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for the official respondents. Considering the relief to be granted, issuance of notice to the fifth respondent is dispensed with.



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2.The petition mentioned lands were acquired for interlinking the rivers. Acquisition proceedings had taken place in the year 2020. Award was passed on 30.06.2022. Copy of the award has now been served on the learned counsel appearing for the petitioner.

3.Dispute has arisen as regards the disbursement of the award amount. The question that arises for consideration is the course of action to be followed by the first respondent.

4.As rightly pointed out by the learned counsel appearing for the petitioner, direction in this regard has already given in W.P(MD)No. 26840 of 2019 on 09.01.2020. Section 76 of the Central Act 30 of 2013 reads as follows:

“76. Dispute as to apportionment.—When the amount of compensation has been settled, if any dispute arises as to the apportionment of the same or any part thereof, or as to the persons to whom the same or any part thereof is payable, the Collector may refer such disputes to the Authority.”



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Section 77(2) of the Act reads as follows:

“77. Payment of compensation or deposit of same in Authority

(1)...

(2) If the person entitled to compensation shall not consent to receive it, or if there be no person competent to alienate the land, or if there be any dispute as to the title to receive the compensation or as to the apportionment of it, the Collector shall deposit the amount of the compensation in the Authority to which a reference under section 64 would be submitted:

Provided that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount:

Provided further that no person who has received the amount otherwise than under protest shall be entitled to make any application under sub-section (1) of section 64:

Provided also that nothing herein contained shall affect the liability of any person, who may receive the whole or any part of any compensation awarded under this Act, to pay the same to the person lawfully entitled thereto.”



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5.The first respondent therefore directed to make a reference to the authorities within a period of 30 days from the date of receipt of a copy of this order under Section 76 of the Central Act 30 of 2013. The award amount shall also be deposited to the credit of LAOP on the file of the authority. Enhancement of compensation can be sought after the title dispute is answered. Limitation in terms of Section 64 of the Central Act 30 of 2013 will start running only thereafter.

6.This writ petition is disposed of accordingly. There shall be no order as to costs.

03.04.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

To

- 1.The District Collector,
Tirunelveli, Tirunelveli District.
- 2.The Special Deputy Collector,
(Interlinking of River's Scheme),
Office of the District Collector,
Tirunelveli.

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MGA

3.The District Revenue Officer,
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