



W.P.(MD) No.19985 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.08.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.19985 of 2024

Sundaravel

.. Petitioner

Vs.

- 1.The District Collector,
Office of the Collectorate,
Thoothukudi District.
- 2.The Special District Revenue Officer,
(Land Acquisition)
Allikulam Oil Refinery Factory Project,
SIPCOT, Thoothukudi,
Thoothukudi District.
- 3.The Special Tahsildar,
(Land Acquisition)
Allikulam Oil Refinery Factory Project,
SIPCOT, Thoothukudi,
Thoothukudi District.

.. Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing to the respondent to fix the fair compensation and transparency in land



W.P.(MD) No.19985 of 2024

acquisition and consequently to consider the petitioner's representation dated 10.08.2024 within stipulated time fixed by this Court.

For Petitioner :Mr.S.Muthu Malai Raja
For Respondents :Mr.D.S.Neduncheziyan,
Government Advocate

ORDER

This writ petition is filed for issuance of a writ of Mandamus to direct the respondent to fix the fair compensation and consequently, to consider the petitioner's representation, dated 10.08.2024 within stipulated time fixed by this Court.

2.The petitioner, who is aggrieved by the quantum of compensation that has been awarded in respect of the land comprised in S.No.197/5 and 246/3 which had been acquired by the respondents for the purpose of Allikulam Oil Refinery Factory Project, had filed the present writ petition.

3.The petitioner has challenged the said compensation on the ground that the respondents ought to have fixed fair compensation on the basis of Section 26 of the Right to Fair Compensation and Transparency



W.P.(MD) No.19985 of 2024

WEB COPY

in Land Acquisition, Rehabilitation and Resettlement Act, 2013(hereinafter called as the 'Fair Compensation Act').

4.It is the contention of the petitioner that the impugned notice under which the compensation has been determined, has not taken into consideration the Fair Compensation Act. Therefore, the petitioner has come forward with the present writ petition.

5.When the matter came up for hearing today, the learned Government Advocate appearing for the respondents produced a copy of the proceedings dated 20.08.2024 and submitted that the respondents had arrived at a compensation much above the market value. As per the Land Acquisition Act, the lands have been acquired at the rate of Rs.1,26,010/- in S.No.197/5 and at Rs.1,00,982/- in S.No.246/3 per acre respectively. The learned Government Advocate would further submit that the claim now put forward is totally unfair.



W.P.(MD) No.19985 of 2024

WEB COPY

6.Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

7.Since the petitioner is aggrieved by the compensation that has been granted, remedy is available to approach the District Collector and file a petition under Section 64 of the Fair Compensation Act and without resorting the above, the petitioner has rushed to this Court by filing this writ petition.

8.In view of the above, this Writ Petition is disposed of and the petitioner is directed to file an application before the District Collector and if any application is filed by the petitioner, the first respondent, the District Collector shall consider the same and pass appropriate orders on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order. No costs.

22.08.2024

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



WEB COPY



W.P.(MD) No.19985 of 2024

To

- 1.The District Collector,
Office of the Collectorate,
Thoothukudi District.
- 2.The Special District Revenue Officer,
(Land Acquisition)
Allikulam Oil Refinery Factory Project,
SIPCOT, Thoothukudi,
Thoothukudi District.
- 3.The Special Tahsildar,
(Land Acquisition)
Allikulam Oil Refinery Factory Project,
SIPCOT, Thoothukudi,
Thoothukudi District.



WEB COPY



W.P.(MD) No.19985 of 2024

P.T.ASHA, J.
Ns

W.P.(MD) No.19985 of 2024

22.08.2024