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Writ Petition No.27878 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2025

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.27878 of 2023

&

W.M.P.No.27371 of 2023

P.Arokiya Mari
Wife of Saravanan

... Petitioner

Vs.

1. The District Collector/Land Acquisition Officer
(Project of Formation of New Broad Gauge Railway Line
between Chinna Salem and Kallakurichi),
Kallakurichi, Kallakurichi District.

2. The District Revenue Officer,
Kallakurichi,
Kallakurichi District.

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

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus direct the first respondent herein to consider the representations of the petitioner dated 07.09.2022 and 19.12.2022 with respect to pass compensation award for the acquisition of the petitioner's balance residential house and other immovable assets attached to the building in Old Survey No.517A/5C,



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New Survey No.517A/113B2 extent of 2212 sq.ft situated at Chinnasalem Village & Post, Chinnasalem Taluk and Kallakurichi District under Sections 26 to 30 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013 (Central Act No.30/2013) within a reasonable time to be fixed by this Court.

For Petitioner : Mr.P.Rajavel

For Respondents : Mr.P.Muthukumar
Additional Advocate General – V
assisted by Mr.M.R.Gokul Krishnan
Additional Government Pleader

ORDER

This writ petition has been filed seeking issuance of a writ of mandamus directing the first respondent to deal with the representations made by the petitioner on 07.09.2022 and 09.12.2022 and to grant compensation to the petitioner as per Sections 26 to 30 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013 (Central Act No.30/2013) [hereinafter referred to as 'the Act'].

2. Heard Mr.P.Rajavel, learned counsel for the petitioner and Mr.P.Muthukumar, learned Additional Advocate General – V assisted by Mr.M.R.Gokul Krishnan, learned Additional Government Pleader.

3. The property belonging to the petitioner was acquired under



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the Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997.

Thereafter, the District Collector determined the compensation through proceedings dated 12.10.2022 and passed an award. The petitioner was not satisfied with the compensation that was fixed and hence, a representation was made to the first respondent to the effect that the petitioner is receiving the compensation fixed by the first respondent on protest. The petitioner also requested the first respondent to re-consider and award compensation as claimed by the petitioner. Since the same was not considered, the present writ petition has been filed before this Court.

4. In the considered view of this Court, the first respondent has exercised his jurisdiction under Section 7(3) of the Act. Any person, who is aggrieved by the decision of the Collector can request for reference to Court within a period of 60 days from the date on which the decision is conveyed. There is no question of District Collector once again re-determining the compensation award. The award was passed on 12.10.2022 and the representations have been given by the petitioner objecting to the compensation fixed within the time frame.

N.ANAND VENKATESH, J



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5. In view of the same, there shall be a direction to the first respondent to refer the matter before the civil Court within a period of four (4) weeks from the date of receipt of a copy of this order. Thereafter, it is left open to the petitioner to agitate before the civil Court and seek for enhancement of compensation.

This writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

06.02.2025

Neutral Citation: Yes/No

Index: Yes/no

Speaking Order/Non-Speaking Order

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To

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Kallakurichi, Kallakurichi District
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