



W.P.(MD) No.438 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.01.2025

CORAM

THE HON'BLE MRS. JUSTICE N.MALA

W.P.(MD) No.438 of 2025

Sikkandar Batcha

... Petitioner

Vs.

1.The District Collector,
Madurai District, Madurai.

2.The Special District Revenue Officer,
Land Acquisition - State Highways,
District Collectorate, Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of a Writ of Mandamus directing the respondents to make a reference for enhancement of compensation in respect of the petitioner's land to the competent court in terms of Section 20 of the Tamil Nadu Highways Act, 2001, within the time that may be stipulated by this Court.

For Petitioner : Mr.M.Mahaboob Athiff

For Respondents : Mr.M.Muthumanikkam
Government Advocate (Civil Side)



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ORDER

This Writ Petition has been filed seeking for the issuance of a Writ of Mandamus directing the respondents to make a reference for the enhancement of compensation regarding the petitioner's properties to the competent court, in accordance with Section 20 of the Tamil Nadu Highways Act, 2001, within a time frame to be stipulated by this Court.

2. With the consent of both parties, this writ petition is taken up for final hearing at the admission stage itself.

3. The petitioner's properties in Survey Nos.1158/1A and 1158/2J, situated at Block-11, Ward-09, East Madurai Village, Madurai South Taluk, Madurai, were acquired for the purpose of constructing a flyover bridge at Goripalayam under the Tamil Nadu Highways Act, 2001, *vide* a Gazette Notification dated 25.02.2022. The competent authority under the Act determined the compensation unilaterally, without giving any opportunity to the petitioner, and in gross violation of the provisions of the Act.



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4. The petitioner was not served with a copy of the Award.

Therefore, the petitioner filed W.P.(MD) No.15693 of 2024 seeking for a direction to furnish the copy of the award. Pending the Writ Petition, on 15.07.2024, the respondents served the petitioner with a copy of Award No.5/2023, dated 15.06.2023. As the compensation of Rs. 1,52,92,124.71 determined by the competent authority was inadequate, the petitioner made a representation to the second respondent on 24.07.2024, requesting that the matter be referred to the competent court for enhancement of compensation under Section 20 of the Tamil Nadu Highways Act, 2001. Even though the petitioner made the representation as early as on 24.07.2024, the second respondent did not refer the matter. Therefore, the petitioner has filed this Writ Petition for the aforesaid relief.

5. Under Section 20 of the Tamil Nadu Highways Act, 2001, any person aggrieved by the decision of the Collector, or the officer to whom the case was transferred, determining the amount may, within sixty days from the date of such decision, in so far as it affects him, by application to the Collector or the officer to whom the case was transferred, require that the matter be referred by him for the determination of the Court as defined in the Land Acquisition Act, 1894.



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6. The petitioner made a representation for reference on 24.07.2024, i.e., within two weeks from 15.07.2024, on which date the petitioner was served with the copy of the award dated 15.06.2023. Therefore, the petitioner's representation is within the time limit. However, even after the lapse of 5 months, the second respondent has not taken any steps to refer the matter to the competent court under Section 20 of the Tamil Nadu Highways Act, 2001, for enhancement of the compensation for the petitioner's properties. Therefore, a direction is issued to the second respondent to make a reference to the competent court for enhancement of compensation for the petitioner's properties, within a period of 8 weeks from the date of receipt of a copy of this order.

7. Accordingly, this Writ Petition is disposed of. No costs.

08.01.2025
(2/2)

Index: Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order

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Copy To:

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- 2.The Special District Revenue Officer,
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N.MALA, J.

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