



W.P.(MD)No.849 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.01.2025

CORAM

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD)No.849 of 2023

Anathalingam
Rep. by Power of Attorney,
Thangavel

... Petitioner

Vs.

1.The District Collector,
Collectorate,
Ramanathapuram District.

2.The Land Acquisition Officer/District Revenue Officer,
Ramanathapuram District,
Ramanathapuram.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent herein to enhance the compensation with respect to the award No.1 of 2021, dated 31.12.2021 passed by the second respondent herein in his proceedings in Na.Ka.No.B1/14800/2013 by entertaining the reference filed by the petitioner by way of representation, dated 08.11.2022 and received on 11.11.2022 by the first respondent herein and pass appropriate orders within a time frame stipulated by this Court.



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For Petitioner : Mr.S.Vashik Ali

For Respondents : Mr.M.Muthumanikkam
Government Advocate

ORDER

The writ petition is filed for a direction to the first respondent to enhance the compensation with respect to the Award in Award No.1 of 2021, dated 31.12.2021, passed by the second respondent in his proceedings in Na.Ka.No.B1/14800/2013, by entertaining the reference filed by the petitioner by way of representation, dated 08.11.2022, which was received on 11.11.2022 by the first respondent.

2. With the consent of both parties, the writ petition is taken up for final disposal.

3. The lands in S.Nos.66/3B1A, 66/4A, 66/7, 66/8 and 66/9, to an extent of 4.57 acres (18,500 square metre) in Sakarakottai Village, Ramanathapuram Taluk and District, originally belonged to the petitioner's Principal, namely, Ananthalingam, who purchased the same in the year 2010 and 2011 under various sale deeds. The title to the property is not disputed. While so, the second respondent vide notification, dated 12.12.2013, notified a portion of the



aforesaid lands to an extent of 1558 square metres were acquired for Ramanathapuram-Keelakarai road crossing No.501 alternatively in railway kms 615/200-300 between the Ramanathapuram and Uchipuli Railway Station for construction of over bridge. After following the procedure under the statute, the second respondent passed an award in Award No.1 of 2021, dated 31.12.2021 fixing the compensation of Rs.1,53,08,041/- for the acquired lands and deposited the same in the petitioner's bank account. As the petitioner was not satisfied with the compensation awarded by the second respondent, the petitioner submitted a representation on 08.11.2022, which was received on 11.11.2022, by the first respondent for enhancement of compensation. As the petitioner's representation was not considered, the petitioner filed the above writ petition for the aforesaid relief.

4. It is seen that an extent of 1558 square meters of the petitioner's land in S.Nos.66/3B1A, 66/4A, 66/7, 66/8 and 66/9, were acquired for the purpose of Ramanathapuram-Keelakarai road crossing No.501 alternatively in railway kms 615/200-300 between the Ramanathapuram and Uchipuli Railway Station for construction of over bridge. After following the procedure under the statute, the second respondent passed the award, in Award No.1 of 2021, dated 13.12.2021 fixing the compensation for the petitioner's land at Rs.1,53,08,041/-. The said amount was also deposited in the petitioner's account. The petitioner not



satisfied with the award passed by the second respondent submitted a representation to the first respondent on 08.11.2022, which was received by the first respondent on 11.11.2022 for enhancement of compensation.

5. The learned Government Advocate for the respondents at the time of hearing, submitted that the petition for reference ought to be filed before the Special District Revenue Officer (Land Acquisition), Highways Unit-IV, Thoothukudi District, who is authorised under G.O.Ms.No.39, Highways and Minor Ports Department, dated 14.03.2024. The learned Government Advocate therefore submitted that the petitioner may be directed to submit his representation to the aforesaid authority, who in turn, will refer the matter to the District Collector for determination of the compensation amount to be paid to the petitioner.

6. Heard the learned counsels and perused the materials available on record.

7. It is seen that the petitioner has given representation to the first respondent on 08.11.2022, which was received on 11.11.2022. Though the first respondent is the competent authority to determine the compensation, the reference has to be made by the Government. According to the learned



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Government Advocate, the competent authority to refer the matter to the District Collector is the Special District Revenue Officer (Land Acquisition), Highways Unit-IV, Thoothukudi District. Therefore, deem it appropriate to direct the petitioner to submit his representation to the Special District Revenue Officer (Land Acquisition), Highways Unit-IV, Thoothukudi District, for reference to the District Collector for the determination of compensation within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the Special District Revenue Officer (Land Acquisition), Highways Unit-IV, Thoothukudi District, shall refer the same to the District Collector and the District Collector shall pass orders on merits and in accordance with law, within a period of 12 weeks thereafter.

8. Accordingly, the writ petition stands disposed of. No costs.

30.01.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
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To:

- 1.The District Collector,
Collectorate,
Ramanathapuram District.
- 2.The Land Acquisition Officer/District Revenue Officer,
Ramanathapuram District,
Ramanathapuram.
- 3.The Special District Revenue Officer (Land Acquisition)
Highways Unit -IV,
Toothukudi District.



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N.MALA, J.

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