



W.P.(MD) No.3153 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:14.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD) No.3153 of 2023

N.Balasubramanian

... Petitioner

VS.

1.The District Collector,
Dindigul District.

2.The District Revenue Officer,
Dindigul District.

3.The Land Acquisition Officer and
Revenue Divisional Officer (Incharge),
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order in Na.Ka.No.28025/2015/E2, dated 04.02.2021 passed by the first respondent and quash the same and consequently directing the respondents to award a fair compensation to the petitioner under Section 26(b) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

For Petitioner : Mr.K.Krishna

For Respondents : Mrs.S.Jeyapriya
Government Advocate



W.P.(MD) No.3153 of 2023

ORDER

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The petitioner challenges the impugned order passed by the first respondent in Na.Ka.No.28025/2015/E2, dated 04.02.2021 rejecting the request of the petitioner's for enhanced compensation under Section 26(b) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

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

3.The petitioner mainly challenges the impugned order on the findings rendered by the first respondent that the petitioner did not submit any documents in support of the market value claimed by the petitioner, in furtherance of the application for enhanced compensation. In this regard, the learned counsel for the petitioner would invite my attention to the specific averments in the affidavit in support of the writ petition at Para No.13 and also to the endorsement made by the petitioner dated 25.02.2021, wherein he has stated that when the documents in support of the claim for enhancement were submitted to the first respondent, the first respondent was not inclined to receive the same and it was informed to the petitioner that the petitioner would be called for further enquiry and at that time,



W.P.(MD) No.3153 of 2023

the necessary documents would be taken from him. However, contrary to the said assurance given to the petitioner, the first respondent has rendered a finding that the petitioner has not submitted any documents and on that limited ground, the claim for enhanced compensation has also been rejected.

4. In view of the above, I am inclined to set aside the impugned order and remit the matter to the first respondent. Accordingly, this Writ Petition is allowed and the impugned order, dated 04.02.2021 in Na.Ka.No.28025/2015/E2 passed by the first respondent, is set aside and the matter is remitted to the first respondent to conduct a fresh enquiry, hear the petitioner and also receive the documents relied on by the petitioner in support of the claim for enhancement of compensation and thereafter, pass a considered order on merits and in accordance with law. The said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. No costs.

14.02.2025

sjj

NCC: Yes/No

Index : Yes / No

Internet : Yes / No



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W.P.(MD) No.3153 of 2023

P.B.BALAJI, J.

sjj

To

- 1.The District Collector,
Dindigul District.
- 2.The District Revenue Officer,
Dindigul District.
- 3.The Land Acquisition Officer and
Revenue Divisional Officer (Incharge),
Dindigul District.

W.P.(MD) No.3153 of 2023

14.02.2025