



W.P.(MD)No.4415 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.02.2025

CORAM:

THE HON'BLE MR.JUSTICE P.B. BALAJI

W.P.(MD).No.4415 of 2025

M.Pichailingam

... Petitioner

Vs.

1. The District Collector,
Kanyakumari District,
Kanyakumari.
2. The Special Tahsildar,
Land Acquisition Railway Unit-II,
Nagercoil,
Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the 1st respondent to consider the petitioner's representation dated 15.07.2024, 27.11.2024 and 01.02.2025 and refer the same to the competent court for determination of enhanced compensation under “Section 8” of Tamil Nadu Acquisition of land for Industrial Purposes Act, 1997.



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For Petitioner : Mr.M.Subbiah

For Respondents : Mr.S.Kameswaran
Government Advocates

ORDER

Mr.S.Kameswaran, learned Government Advocate takes notice on behalf of the respondents.

2. The petitioner seeks limited relief of issuance of Writ of Mandamus to direct the 1st respondent to consider the petitioner's representations dated 15.07.2024, 27.11.2024 and 01.02.2025 seeking reference to the competent court for determination of enhanced compensation under Section 8 of the Tamil Nadu Land and Acquisition act for industrial purposes act, 1997.

3. It is the admitted case of the petitioner and the official respondents that in respect of the lands belonging to the petitioner that have been acquired, a compensation of Rs.13,19,641/- has been determined and deposited in the petitioner's bank account.



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4. The grievance of the writ petitioner is that the said determination of compensation is inappropriate and very low compared to the market value of the lands which have been acquired from the petitioner. The petitioner seeks only reference to the competent court for enabling him to get the award enhanced.

5. Section 8 provides for the aggrieved person to seek for case being transferred to the competent Civil Court within a period of 60 days from the date of decision of the Collector and on receipt of such request, the Collector is required to refer the matter for determination of the Court in terms of the provisions of the Land Acquisition Act, 1984.

6. Considering the fact that the the petitioner has repeatedly knocked at the doors of the official respondents from July 2024 onwards, I see no impediment for the 1st respondent to refer the application on the petitioner for enhancement of compensation to the competent Civil Court in terms of Section 8.



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7. In view of the above, the writ petition is allowed by directing the 1st respondent to refer the application of the petitioner for enhancement of compensation to the competent Civil Court within a period of six (6) weeks from the date of receipt of a copy of this order.

8. The writ petition stands allowed with the above observations and directions. No cost.

19.02.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
rgm



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P.B.BALAJI, J.

rgm

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