



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 01.07.2025

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THE HON'BLE MR.JUSTICE S.SOUNTHAR

W.P.(MD)No.17723 of 2025
and
W.M.P.(MD)No.13528 of 2025

Subramanian

... Petitioner

Vs

1.The District Collector,
Tirunelveli District.

2.The Special District Revenue Officer,
Tamilabharani - Karumeniyar - Nambiyar,
River Linking Project,
Tirunelveli.

3.The Special Tahsildar,
River Linking Project Unit - I,
Ambasamudram, Tirunelveli District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a **Writ of Certiorarified Mandamus**, to call for the records of the Impugned Order in Na.Ni.E-1/38148/2019, dated 25.11.2024, of the 2nd respondent and quash the same and further directing the respondents to refix the compensation of the petitioner's property in S.No.174/3A, situated at Cherankovilpatti Village, Tirunelveli District, by treating the same as house site by considering the communication of the District Registrar dated 29.10.2024, within a time frame fixed by this Court.



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For Petitioner : Mr.S.Selva Aditya
for M/s.G.Prabhu Rajadurai

For Respondents : Mrs.S.Jeya Priya
Government Advocate

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ORDER

This writ petition is filed challenging the order passed by the second respondent negating the request of the petitioner seeking modification of the award passed by the third respondent and enhancement of compensation.

2.It is the case of the petitioner that 12.5 acres of land in S.No.174/3, situated at Cherankovilpatti Village, Tirunelveli District, belonging to him and his mother in law, namely, Krishnammal under two sale deeds, dated 13.07.2007. The portion of the above said land to an extent of 2.75 acres were acquired by the respondent for construction of Tamirabharani - Karumeniyar - Nambiyar River channel. The third respondent passed an award on 31.01.2024, fixing the compensation payable to the petitioner at Rs.37,90,253.43/-. It is the specific case of the petitioner that the guideline value for the subject property was Rs.1,110/- per sq.mt., at the relevant point of time and without considering the same properly, the third respondent fixed, reduced amount as compensation. Hence, he submitted a representation before the District Collector, Tirunelveli



District, on 03.06.2024, and the same has not been considered. Subsequently, another representation was submitted by the petitioner before the third respondent on 11.11.2024. The same was forwarded to the second respondent and the impugned order was passed by the second respondent negating the request of the petitioner seeking modification of the award and enhancement of compensation at Rs.1,110/- per sq. mt. Aggrieved by the same, the petitioner has come before the Court.

3.The learned Counsel appearing for the petitioner by taking the communication of the District Registrar, dated 28.10.2024, submits that at the relevant point of time, the subject property was treated as unapproved house sites and guide value was fixed at Rs.1,675/- per sq.mt. The third respondent without properly considering the correct guideline value of the subject property, treated the same as a Punja land and fixed the reduced compensation.

4.If the petitioner has not satisfied with the compensation fixed by the competent authority, he has got the remedy of seeking a reference under Section 64, of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. There is no enabling provision empowering the competent authority to modify the award and enhance the



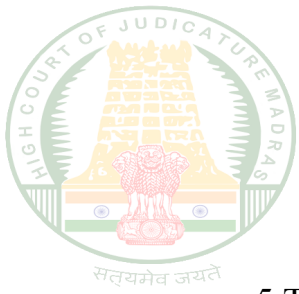
compensation. The learned Counsel appearing for the petitioner has laid much emphasis on Section 33 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, which reads as follows:-

“The Collector may at any time, but not later than six months from the date of award or where he has been required under the provisions of this Act to make a reference to the Authority under section 64, before the making of such reference, by order, correct any clerical or arithmetical mistakes in either of the awards or errors arising therein either on his own motion or on the application of any person interested or local authority:

Provided that no correction which is likely to affect prejudicially any person shall be made unless such person has been given a reasonable opportunity of making representation in the matter;

(2)The Collector shall give immediate notice of any correction made in the award so corrected to all the persons interested; and

(3)Where any excess amount is proved to have been paid to any person as a result of the correction made under subsection (1), the excess amount so paid shall be liable to be refunded and in the case of any default or refusal to pay, the same may be recovered, as prescribed by the appropriate Government.”



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5. The reading of the above provision, it makes clear that it only enables the authority exercising the power under the Act to correct any clerical or arithmetical mistake or error in the award. The nature of the classification of the acquired property or the market value of the acquired property etc., cannot be treated as clerical or arithmetical mistake. If the petitioner is aggrieved by fixation of compensation by the authorities, it is for him to seek a reference under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The second respondent rightly by referring to the provisions of Section 64 of the said Act, relegated the petitioner to seek a reference and negatived his request for modification of the award and enhancement of compensation. I do not find any error in the order passed by the second respondent.

6. The learned Counsel appearing for the petitioner produced a copy of the representation submitted by the petitioner, dated 03.06.2024, before the first respondent. He also produced the postal acknowledgment card signed by the competent authority of the first respondent office. In the said representation, the petitioner raised his objection with regard to the classification of the land and quantum of compensation. Therefore, the said representation of the petitioner, dated 03.06.2024, can be treated as request for reference under Section 64 of the



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the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The first respondent is directed to forward the said representation to the second respondent within a period of two weeks from the date of receipt of a copy of this order. The second respondent shall consider the same and take a decision as to reference under Section 64 of the the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, in accordance with law within a further period of four weeks. The petitioner is permitted to file an application seeking condonation of delay, if so advised, before the second respondent within a period of two weeks from today.

7. Accordingly, this Writ Petition stands dismissed with liberty to the petitioner to seek a reference under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. No costs. Consequently, connected Writ Miscellaneous Petition is also closed.

01.07.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR



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S.SOUNTHAR, J.

RJR

To

- 1.The District Collector,
Tirunelveli District.
- 2.The Special District Revenue Officer,
Tamirabharani - Karumeniyar - Nambiyar,
River Linking Project,
Tirunelveli.
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