



W.P(MD)No.8650 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.06.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.8650 of 2023

S.Bala Lakshmi

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Special Tahsildar(Land Acquisition)
Interlinking of Rivers,
Ambasamudram Unit-1,
Cheranmahadevi,
Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to permit the petitioner to utilize the waste stored in his land in S.Nos.424/1A, S.No.424/1B in South Veeravanallur Village, Ambasamudram Taluk, Tirunelveli District, for levelling or in the alternative direct the respondents to pay the compensation or rent for the period during which the sand and stone has been stored in the petitioner's lands within a stipulated time to be fixed by this Court.

For Petitioner : Mr.K.K.Udayakumar
For R1&R2 : Mr.N.Muthu Vijayan
Special Government Pleader



W.P(MD)No.8650 of 2023

ORDER

WEB COPY

The writ petition has been filed in the nature of mandamus seeking permission for the petitioner to utilize the waste stored in the land in S.Nos. 424/1A, S.No.424/1B in South Veeravanallur Village, Ambasamudram Taluk, Tirunelveli District.

2.It is stated that the respondents had dumped excavated materials of the project of excavation of Food Carrier Canal from Kannadian Channel to drought prone area of Thisayanvilai, Sathankulam by interlinking Thamiraparani, Karumeniyar and Nambiyar river in Tirunelveli and Thoothukudi District. This project of excavation would only reduce salt water intrusion and improve ground water table. Excavation work was done and excavation materials were dumped in and around the area in the land acquired for the project. The petitioner purchased the aforementioned land on 13.08.2021. Some dumped surplus salt materials still remain.

3.In the counter affidavit filed by the Executive Engineer WRD., Special Project Division, Tirunelveli, it had been stated that the materials dumped will be removed within six months.



W.P(MD)No.8650 of 2023

4.The learned counsel for the petitioner insisted that compensation must be granted in this regard, he drew the attention to Section 35 of the Land Acquisition Act, 1894 / 81 of Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The District Collector, Tirunelveli, is directed to examine this particular aspect and issue notice to the petitioner herein and pass necessary orders on the representation given seeking compensation. Such orders should also be passed on or before 31.12.2023.

5.A direction is given that the materials may be removed on or before 31.12.2023 and the petitioner may be handed over the vacant land. This Writ petition stands closed. No costs.

28.06.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes/ No

Ns

To

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Special Tahsildar(Land Acquisition)
Interlinking of Rivers,
Ambasamudram Unit-1,
Cheranmahadevi,
Tirunelveli District.



WEB COPY



W.P(MD)No.8650 of 2023

C.V.KARTHIKEYAN, J.

Ns

W.P(MD)No.8650 of 2023

28.06.2023