



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.08.2015

CORAM:

THE HONOURABLE Mr.JUSTICE R.SUBBIAH

W.P.(MD)Nos.6001 and 6002 of 2015

Ignatius A.Herman

... Petitioner in both Wps.

Vs.

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The Special Thasildar,
(Land Acquisition),
River Linking Scheme,
Ambasamudram Bhasse - I,
Cheranmahadevi,
Tirunelveli District.
3. The Assistant Executive Engineer,
Public Works Department (WRO),
Project Sub Division No.1,
Cheranmahadevi,
Tirunelveli District.

... Respondents in both WPs

PRAYER IN W.P.(MD)No.6001 of 2015: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to measure and set out boundary line around the lands acquired from the petitioner so as to enable to carry out agricultural works on the remaining extent of lands comprised in S.Nos.256/1, 257/1, 258/1A, 258/3 that are situated at Kesavasamudram Village, Ambasamudram Taluk, Tirunelveli District.

PRAYER IN W.P.(MD)No.6002 of 2015: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to award compensation forthwith to the petitioner at present market value for the lands having acquired in S.Nos.256/1, 257/1, 258/1A, 258/3 measuring 3.78.0 hectares that are situated at Kesavasamudram Village, Ambasamudram Taluk, Tirunelveli District along with the damages for having taken possession without awarding compensation.

For Petitioner : Mr.S.Balamurugan
For Respondents : Mr.S.Kumar, AGP



COMMON ORDER

The Writ petition in W.P.(MD)No.6001 of 2015 has been filed for issuance of a Writ of Mandamus, directing the respondents to measure and set out boundary line around the lands acquired from the petitioner so as to carry out agricultural works on the remaining extent of lands comprised in S.Nos.256/1, 257/1, 258/1A, 258/3 situate at Kesavasamudram Village, Ambasamudram Taluk, Tirunelveli District.

2.The Writ petition in W.P.(MD)No.6001 of 2015 has been filed for issuance of a Writ of Mandamus, directing the respondents to award compensation to the petitioner at present market value for the lands having acquired in S.Nos.256/1, 257/1, 258/1A, 258/3 measuring 3.78.0 hectares situate at Kesavasamudram Village, Ambasamudram Taluk, Tirunelveli District along with the damages.

3.Since the issue involved in both the Writ petitions are interrelated to each other, both the Writ petitions are disposed of by way of common order.

4.The case of the petitioner is that he is having punja land comprised in Survey Nos.256/1, 257/1, 258/1A, 258/3 measuring 5.88.0, 0.95.0, 1.35.5 and 1.97.0 at Kesavasamudram Village, Ambasamudram Taluk, Tirunelveli District and carrying out agricultural operations in the said land. Whiles, during the year 2008, the respondents acquired certain lands for the purpose of forming a flood water channel for interlinking the rivers namely, Tamiraparani, Karumeniyaru and Nambiyaru. In view of the land acquisition proceedings, the respondents determined the extent of land to be acquired and they also called the petitioner for private negotiation. The petitioner has also given his willingness in writing for acquiring the lands for reasonable compensation. Immediately, on 28.10.2009, the respondents have randomly commenced the digging work to form a flood water channel, without setting out any boundary line over the acquired land.

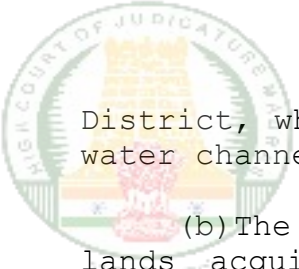
5.It is the further case of the petitioner that even though the land of the petitioner has been acquired in the year 2009 itself, so far the respondents did not even fixed any compensation and they completed the entire work and the rest of the land of the petitioner is lying, without any determination and measurement. Hence, the petitioner is not able to carry out any agricultural operations. Therefore, the petitioner is before this Court with the the present Writ petitions for the aforesaid relieves.

6.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

The learned Additional Government Pleader appearing for the respondents submitted that the case of the petitioner will be considered.

7.In view of the submission made, these Writ petitions are disposed of with the following directions:

(a)The respondents are directed to measure and set out the boundaries around the remaining lands in S.Nos.256/1, 257/1, 258/1A, 258/3 situate at Kesavasamudram Village, Ambasamudram Taluk, Tirunelveli



District, which has been acquired from the petitioner for forming a flood water channel.

(b) The respondents are directed to work out compensation for the lands acquired in S.Nos.256/1, 257/1, 258/1A, 258/3 measuring 3.78.0 hectares situate at Kesavasamudram Village, Ambasamudram Taluk, Tirunelveli District along with the damages and pass appropriate orders on merits and in accordance with law, within a period of 3 months from the date of receipt of a copy of this order.

No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The Special Thasildar,
(Land Acquisition),
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3. The Assistant Executive Engineer,
Public Works Department (WRO),
Project Sub Division No.1,
Cheranmahadevi,
Tirunelveli District.

+1cc to Mr.S.Balamurugan, Advocate SR.No.44462

+1cc to Special Government Pleader, Madurai. SR.No.44573

W.P. (MD) Nos.6001 and 6002 of 2015
06.08.2015

nbg

NS/20.08.2015 : 3p/6c