

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 21.01.2016****CORAM****WEB COPY****THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN**W.P(MD).Nos. 8842 to 8845 of 2013

P. Valli	... Petitioner in W.P.(MD).No.8842/13
S. Mani	... Petitioner in W.P.(MD).No.8843/13
A. Chitra	... Petitioner in W.P.(MD).No.8844/13
R. Valarmathi	... Petitioner in W.P.(MD).No.8845/13

Vs.

The Competent Authority and
The Special District Revenue Officer
(Land Acquisition),
National Highways,
Pudukkottai,
Pudukkottai District.

... Respondent in all W.Ps.

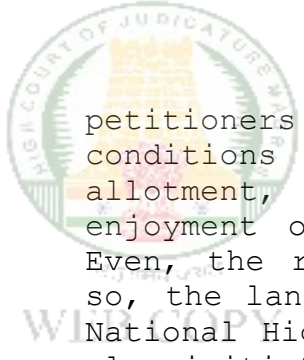
Prayer: Petitions filed under Article 226 of the Constitution of India to issue a writ of certioraified Mandamus calling for the records pertaining to the proceedings of the respondent vide Na.Ka.No.24649/2007/D7 dated 28.09.2012 as well as her consequential letter in Na.Ka.No.22/2013/நி.எ./தே.நே. Dated 29.04.2013 and quash the same and consequently direct the respondent to award suitable compensation to the petitioners for their land acquired by the respondent in Survey Nos.232/9, 232/7, 232/6 and 232/8 respectively Kumaramangalam Village, Kulathur Taluk, Pudukkottai District within the time stipulation as prescribed by this Court.

For Petitioners	... Mr.R. Anand in all W.Ps.
For Respondent	... Mr. M. Murugan Government Advocate

ORDER

These Writ Petitions have been filed praying to call for the records pertaining to the proceedings of the respondent vide Na.Ka.No.24649/2007/D7, dated 28.09.2012 as well as her consequential letter in Na.Ka.No.22/2013/நி.எ./தே.நே. Dated 29.04.2013 and quash the same and consequently, direct the respondent to award suitable compensation to the petitioners for their land acquired by the respondent in Survey Nos.232/9,232/6,232/7 and 232/8 respectively in Kumaramangalam Village, Kulathur Taluk, Pudukkottai District within a stipulated period of time.

2. The petitioners are the assignees in respect of their lands allotted to them, by virtue of individual assignment orders made by the Government of Tamil Nadu in 1966/67. The petitioners were allotted lands comprised in S.Nos.232 viz., 232/9,232/7, 232/6 and 232/ 8 respectively to an extent of their 0.40.5 Hectare. The said allotments were made as the



petitioners were found to be landless poor agriculturists and many conditions were imposed while allotting the lands. Subsequent to the allotment, the petitioners contend, they have been in possession and enjoyment of the respective property and they are making cultivation. Even, the revenue records got changed in their names. When thing stand so, the lands of the petitioners were acquired for the purpose of laying National Highways Road in NH-210 and 67. Award enquiry proceedings were also initiated and the petitioners participated in the enquiry. When the awards were to be passed, the petitioners were informed that they are not entitled to compensation, as the lands were allotted by the Government free of cost. Those orders, denying the compensation to the respective petitioners are challenged before this Court.

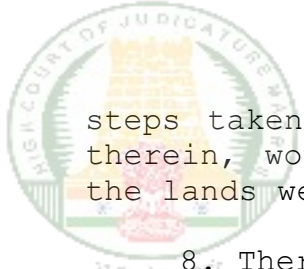
3. The learned counsel appearing for the petitioners would contend that the issue is already covered by orders passed by this Court in W.P. (MD).No.8110 and 140585 of 2009, dated 28.11.2011.

4. However, Mr.M. Murugan, the learned Government Advocate appearing for the respondent would strenuously opposed the writ petitions contending that the respective property was allotted to the petitioners at free of cost and the conditions have not been complied with by the petitioners. Therefore, the petitioners are not entitled to compensation.

5. Though it is argued by the learned Government Advocate, proceedings were initiated for cancelling the allotments for violation of assignments, no such reference is found in the impugned orders. If really there was any cancellation of assignment, it would have been the first ground stated in the impugned order to reject the petitioners claim. Therefore, the contention cannot be accepted. The other contention is that the petitioners were allotted lands at free of cost and therefore, they cannot be granted compensation.

6. First of all the assignment is not limited assignment and it is perpetual assignment and the Revenue records also got changed in the name of the petitioners. If at all any violation of condition has been made by the respondent, no doubt, Government has got power to cancel the allotment and to resume the lands. No such resumption has been made and it is evident by the land acquisition proceedings taken against the petitioners by issuance of appropriate notices to the petitioners for participation in the award proceedings. Once the petitioners are allotted and they have been enjoying the property as owners of the property and they have been issued the land acquisition proceedings to acquire the lands under their occupation, they are entitled to compensation as owners. Merely because the Government made free allotment, it cannot be employed against the petitioners to deny the compensation for acquisition.

7. This Court in *R.Ganagasabai Vs. The District Collector, Cuddalore District and three others* in W.P.Nos.8110 and 14085 of 2009 by the order dated 28.11.2011 dealt with the same issue and held that the petitioner therein is entitled to compensation for the land, which was allotted by the respondents therein, while the lands were acquired under the land acquisition Act. This Court followed the earlier Judgment of this Court in *R.Abdul Jabbar and 5 others Vs. State of Tamil Nadu and 4 others* reported in 1996(II) CTC page 719, wherein it has been held that



steps taken by the Government to acquire the land from the petitioners therein, would entitle the petitioners to get compensation, even though the lands were assigned to the petitioners therein by the Government.

8. Therefore, this Court holds that the Government could not deny the compensation to the petitioners for having acquired the lands from their possession, after initiating the proceedings under Land Acquisition Act, even though the respondent has got power to resume lands.

9. Therefore, the impugned orders denying the compensation to the petitioners are quashed. The respondent is directed to determine the compensation, under the Land Acquisition Act and pay the amount within a period of 16 weeks from the date of receipt of a copy of this order.

10. Accordingly, the Writ Petition is allowed. No costs.

The respondent is directed to comply with the order and file complying report before this Court by then.

Sd/-

Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar

To

The Competent Authority and

The Special District Revenue Officer

(Land Acquisition),

National Highways, Pudukkottai, Pudukkottai District.

+four cc's to Mr.R.Anand, Advocate in SR.No.4081,4078,4077&4076

+one cc to The Special Government Pleader in SR.No. 3475

CSL/SKS-RR/04.02.2016/3P/7C

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