



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **04.08.2017**

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

WEB COPY

W.P(MD)No.5859 of 2013

and

M.P(MD)No.1 of 2013

T.Dhavamani

.. Petitioner

Vs.

1.The Government of Tamil Nadu
rep. by its Secretary,
Adhi Dravida Welfare Department,
St. George Fort, Chennai - 600 009.

2.The Special Tahsildar and Land Acquisition Officer,
Adi Dravidar Welfare Scheme,
Unit II Collectorate, Collectorate Office,
Near Anna Bus Stand, Madurai. .. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent to return the land or to revise the award amount and to enhance the award amount to the sum of approximately 1,13,79,600/- (Rupees One Crore Thirteen Lakhs Seventy Nine Thousands and Six hundred only) as per the marketable value as per today at the time of pending disposal of this case.

For Petitioner

: M/s.Malathi Sampathkumar

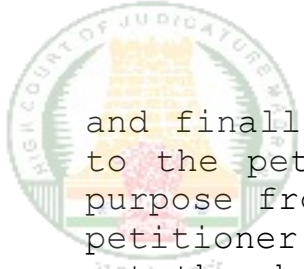
For Respondents

: Mr.J.Gunaseelan Muthaiah,
Government Advocate.

ORDER

This writ petition is filed seeking a writ of Mandamus to direct the respondents to return the land acquired from the father of the petitioner or enhance the award amount for the same, as per the prevailing market value.

2.The case of the petitioner is that his father is the absolute owner of the agricultural land to an extent of 0.35 Hectares situate in Survey Nos.426/6B and 427/7B and the same was acquired for the purpose of constructing colonial houses for Adhi Dravida Community, by the second respondent. Since, the quantum of compensation is fixed at Rs.24,854/- for the said land, his father filed an appeal in L.A.C.M.A.No.14/1998 before the Sub Court, Madurai. During pendency of the same, his father died and the petitioner filed an impleading petition



and finally the said appeal was dismissed for default. According to the petitioner, since the said land is not used for the said purpose from 1995 and the quantum of compensation is very low, the petitioner is in need of the said land, as he has no means to meet out the day-to-day expenses. Therefore, the petitioner is before this Court with the aforesaid prayer.

3.The second respondent filed the counter affidavit denying the allegations made by the petitioner and stated that the appeal filed by the father of the petitioner before the Third Additional Sub Court, Madurai was dismissed for default and the petitioner can seek his remedy in the said appeal by re-opening the same showing sufficient cause.

4.Heard both sides.

5.The appeal filed by the father of the petitioner before the Third Additional Sub Court, Madurai in L.A.C.M.A.No.14/1998 for enhancement of compensation, came to be dismissed. Such being the case, nothing survives for further adjudication in this writ petition and accordingly, this writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is dismissed.

Sd/-

Assistant Registrar(crl side)

/Truecopy/

SubAssistantRegistrar

To

1.The Secretary,
Adhi Dravida Welfare Department,
Government of Tamil Nadu,
St. George Fort, Chennai - 600 009.

2.The Special Tahsildar and Land Acquisition Officer,
Adi Dravidar Welfare Scheme,
Unit II Collectorate, Collectorate Office,
Near Anna Bus Stand, Madurai.

+1cc to Special Government Pleader, SR.No.71343

smn

MAS/KP/SAR2:22.08.2017:2P-4C

ORDER MADE IN
W.P(MD)No.5859 of 2013
and
M.P(MD)No.1 of 2013
04.08.2017