

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.01.2018

Coram: The Honourable Mr. Justice N. SESHASAYEE

**W.P.No.1709 of 2018
and
W.M.P.No.2127 of 2018**

N. Shanmugam

...Petitioner

Versus

1. The District Collector,
Namakkal District,
Namakkal.
2. The Special District Revenue Officer,
(Land Acquisition Officer),
Tamil Nadu Road Sector Project II,
Divisional Office – Highways,
Salem – 636 005.
3. The Divisional Engineer,
Tamil Nadu Road Sector Project II,
Divisional Office – Highways,
Salem – 636 005.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to determine the age of the yielding coconut trees standing in R.S.No.248/2, Chittalandur Village, Tiruchengode Taluk, Namakkal District with the help of a qualified Horticultural Officer for payment of compensation to 19 coconut trees by considering the petitioner's representations dated 20.01.2018 and 23.01.2018.

For Petitioner : Mr. N. Manokaran

For Respondents : Mr. M. Karthikeyan
Additional Government Pleader

ORDER

The petitioner's property in R.S.No.248/2 and 252/1B at Chittalandur Village, Tiruchengode Taluk, Namakkal District was acquired under the provisions of the Tamil Nadu State Highways Act, 2001 and an award too was passed on 04.12.2017.

2. The grievance of the petitioner is that there are 19 coconut trees for the past 23 years and the land acquisition authority/second respondent has not assessed the value of the coconut trees standing in the property.

3. Mr.N.Manokaran, the learned counsel appearing for the petitioner submits that since the coconut trees are not even taken into consideration for determining the value of the property, no purpose would be served if the trees are cut and removed by the authorities which they are now attempting to do.

4. Mr.M.Karthikeyan, the learned Additional Government Pleader takes notice for the respondents and he made a statement on instructions that there are few coconut trees standing in the property, of which, 3

<http://www.judis.nic.in> Were cut. He further added that when the matter came up on

25.01.2018, on the oral direction of this Court, he has instructed the

authorities to stop removing the other coconut trees, also in order to facilitate the Court to decide the issue.

5. It now stands admitted that there were some coconut trees in the property and the only concern of the petitioner is that the value of the trees was not considered, while passing the award. There is merit in the submission of the learned counsel for the petitioner. If the trees were cut and removed by the authorities now, the entire effort of the petitioner made pursuant to the award to the Court, would be profitless.

6. Therefore, the second respondent is directed to number the number of trees standing in the property along with their age and provide the said information officially to the petitioner before embarking on utilizing the property taken in possession pursuant to the land acquisition proceedings.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

30.01.2018

mrr

<http://www.judis.nic.in> Index : Yes / No

Speaking Order (or) Non-Speaking Order

N. SESHASAYEE, J.,

mrr

To

1. The District Collector,
Namakkal District,
Namakkal.
2. The Special District Revenue Officer,
(Land Acquisition Officer),
Tamil Nadu Road Sector Project II,
Divisional Office – Highways,
Salem – 636 005.
3. The Divisional Engineer,
Tamil Nadu Road Sector Project II,
Divisional Office – Highways,
Salem – 636 005.



W.P.No.1709 of 2018

WEB COPY

30.01.2018