



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 14.08.2018

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P (MD) No.14719 of 2018

WEB COPY

P.Jawahar

... Petitioner

vs.

1) The Secretary,
Revenue Disaster Management Department,
Land Administration Wing,
LA-I(1) Section,
Fort St.George,
Chennai.

2) The Special Deputy Collector,
(Land Acquisition),
River Linking Project,
Collectorate Office Building,
Tirunelveli-9.

3) The Special Tahsildar,
(Land Acquisition),
River Linking Project - Unit-3,
Collectorate Office Building,
Tirunelveli-9.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents to pay the compensation amount for the land acquired by the Government for the construction of channel for linking of river such as Thamiraparani, Karumeni, Nambiyar in Survey No.15/1B and 16/8 situated at Konkanthanparai Village, Palayamkottai Taluk, Tirunelveli District vide the petitioner's representation dated 09.06.2018.

For Petitioner	: Mr.D.Saravanan
For Respondents	: Mr.A.Thiyagarajan
	Government Advocate

ORDER

The present writ petition has been filed for issuance of a Writ of Mandamus, directing the respondent to pay compensation amount to the petitioner in respect of the land acquired by the Government for construction of channel for linking of river such as, Thamiraparani, Karumeni, Nambiyar in Survey Nos.15/1B and 16/8 situate at Konkanthanparai Village, Palayamkottai Taluk,



Tirunelveli District, vide the petitioner's representation dated 09.06.2018.

2.Learned counsel for the petitioner would submit that the petitioner purchased the land in Survey No.15/1B and 16/8 to an extent of 1 acre and 18.60 cents situate at Konkanthanparai Village, Palayamkottai Taluk, Tirunelveli District, along with one K.Jabasten, vide valid sale consideration on 03.09.2007 and that the petitioner was in peaceful possession and enjoyment of the same. According to the learned counsel, the land has been acquired for the purpose of construction of a channel. In this regard, a Special Tahsildar was appointed and acquisition proceedings were initiated by the letter dated 21.11.2016 of the respondents herein. Based upon the proceedings, the petitioner had come to know that his land was also acquired and the respondents failed to pay the compensation.

3.Learned counsel for the petitioner would further submit that the respondents directed the petitioner to furnish all the documents relating to his land in Survey Nos.15/1B and 16/8 situate at Konkanthanparai Village, Palayamkottai Taluk, Tirunelveli District and the petitioner also furnished his title deed along with previous mother deeds, patta, encumbrance and certificate from the Village Administrative Officer in the year 2016 itself, but till today, the compensation has not been paid. On 13.04.2018, the District Collector conducted a meeting regarding fixation of compensation and the petitioner has also participated in the said meeting and agreed to the compensation fixed by the Government. In the meantime, the petitioner understood that the Government already issued a G.O., regarding fixation of compensation vide G.O.Ms.No.281 dated 07.09.2017, but the revenue officials failed to approve any compensation even after several representations to the respondents from 2016, and the same were not considered and therefore, the petitioner has filed this writ petition to direct the respondents to pay the compensation amount for the land acquired by the Government for construction of channel and with regard to that, he has given a representation dated 09.06.2018.

4.Learned Government Advocate appearing for the respondents based on the averments made in the counter affidavit filed by the respondents would submit that for paying compensation amount, the respondents have submitted proposals to the Government for getting the revised administrative sanction orders, required fund allotment and revised estimate sanction by the District Collector and the same are awaited from the Government for passing awards. Hence, the compensation for the lands acquired for the river linking project in Konkanthanparai Village, Palayamkottai Taluk, Tirunelveli District, is yet to be paid.



5. At this juncture, learned counsel for the petitioner would state that many persons had received the compensation and the petitioner is yet to receive the compensation and he is awaiting from 2016 onwards.

6. In my considered opinion, the petitioner cannot be made to wait endlessly. Since the respondents have submitted proposals to the Government for getting the revised administrative sanction orders, required fund allotment and revised estimate sanction by the District Collector which are awaited from the Government for passing awards, the respondents are hereby directed to dispose of the representation of the petitioner dated 09.06.2018, seeking payment of compensation for the acquired land of the petitioner and thereafter pay the compensation, within a period of twelve weeks from the date of receipt of a copy of this order.

With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (Crl. Side)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1) The Secretary,
Revenue Disaster Management Department,
Land Administration Wing,
LA-I(1) Section,
Fort St. George,
Chennai.

2) The Special Deputy Collector,
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River Linking Project,
Collectorate Office Building,
Tirunelveli-9.

3) The Special Tahsildar,
(Land Acquisition),
River Linking Project - Unit-3,
Collectorate Office Building,
Tirunelveli-9.

+1cc to Mr.D.Saravanan, Advocate SR.No.78730

+1cc to SPECIAL GOVERNMENT PLEADER, SR.No.78748

BALA

MK/SKN/SAR 2/31.08.2018/3P/6C