

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WP.No.27551 of 2018
and WMP.No.32069 of 2018

N.G.Ananthan

.. Petitioner

Vs

- 1.The District Collector
Dharmapuri District
Dharmapuri
- 2.Public Works Department (Irrigation)
Chinnaru Irrigation Project Sub Division
Rep. by Assistant Executive Engineer
Dharmapuri 636 701
- 3.The Revenue Divisional Officer
Dharmapuri-636 701
- 4.The Tahsildar (LA)
Pennagaram Taluk
Pennagaram
Dharmapuri District- 636 809
- 5.The Public Information Officer-cum-
P.A., to Sub Collector
O/o. Sub-Collector
Dharmapuri-636 801

.. Respondents

Prayer:- This Writ Petition is filed, under the Article 226 of Constitution of India, to issue a writ of Mandamus directing the respondents to restore possession of the land after in its original nature or initiate acquisition proceeding invoking the provision of the Right to Fair Compensation and Transparency in Land Acquisition, and Resettlement Act, 2013 and pay interim compensation in terms of the Act.

For Petitioner : Mr.G.Ethirajulu

For Respondents : Mr.C.Thirumaran, Spl.GP.
for R1 to R5.

ORDER

This Writ Petition is filed seeking to issue a Writ of Mandamus to direct the respondents to restore possession of the land or to pay interim compensation in terms of the Act.

2. It is averred in the Writ Petition that the land comprised in S.No.584/1C, Papparapatti Village, Pennagaram Taluk, Dharmapuri District, an extent of 3000 sq.ft., out of 1.20 acres originally belonged to one Ravi as per the sale deed dated 02.05.1997 registered as document No.2888/1997 on the file of Sub Registrar, Palacode. The said property was sold to the Petitioner under a sale deed dated 17.10.2005 registered as document No.1934/2005 on the file of Sub Registrar, Palacode. It is further averred by the Petitioner that he is the absolute owner in possession and enjoyment of the said land.

3. It is further stated that during the year 2007-2008, the 1st respondent formed a channel to the depth of 50 feet from Eranahalli Village, Palacode Taluk to Hindur, Pennagaram Taluk, stating that the channel was formed under the Project known as Chinnaru Irrigation Water Project. It is informed to the Petitioner that the Petitioner's land has not been acquired for the said project. The Project was completed during the year 2010-2011. The distance of the canal is more than 25 Kms.

4. The Petitioner is stated to have made an application dated 18.07.2018 to the respondents 1, 3 and the Commissioner of Land Administration, Chepauk, Madras-5, to furnish particulars about the land acquisition proceeding as well as any award being passed in pursuant to the same.

5. The Petitioner sent an application dated 18.07.2018 under Right to Information Act to the Commissioner of Land Administration, Chennai-600 005, for furnishing particulars about the Land Acquisition Proceedings. The 5th respondent by Letter dated 24.08.2018 stated that the acquisition proceedings has not been completed and therefore, it is not possible to furnish the copy of the award and it is stated that an amended proposal for land acquisition has been called for from the 4th respondent and the extent of the land and survey number will be furnished by the 2nd respondent.

6. The Petitioner submits that heavy monetary loss has been caused to him and hence, the authorities have to pay interim compensation under the provision of the Right to Fair Compensation and Transparency in Land Acquisition and Resettlement Act, 2013. Since no orders has been passed by the

authorities to pay compensation for using his lands comprised in S.No.584/1C, Papparapatti village, Pennagaram Taluk, Dharmapuri District, the present Writ Petition is filed.

7. The learned Special Government Pleader would submit that entire project is carried out for providing drinking water to four villages and the same has been completed in the year 2011. It is further stated that the Petitioner has to appear before the Tahsildar, Pennagaram, for enquiry and the Petitioner's request for compensation will be considered by Tahsildar, Pennagaram, after completing the survey conducted by the Surveyor, in respect of survey and measuring the land. After obtaining the report from the Surveyor, the payment of compensation will be considered by the 4th respondent Tahsildar.

8. Recording the above submission of the learned Special Government Pleader, the 4th respondent is directed to conduct enquiry by issuing notice to the Petitioner within two weeks from the date of receipt of a copy of this order and thereafter, the respondent shall complete the process of survey, measuring the land and pass orders for payment of compensation to the Petitioner within a period of two months, thereafter, in accordance with the provisions of Law.

9. The Writ Petition is disposed of with the above direction. No costs. Consequently, connected WMP is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

nvsri

To

1.The District Collector,
Dharmapuri District, Dharmapuri.

2.The Assistant Executive Engineer,
Public Works Department (Irrigation),
Chinnaru Irrigation Project Sub Division,
Dharmapuri-636 701.

3.The Revenue Divisional officer,
Dharmapuri-636 701.

4.The Tahsildar (LA),
Pennagaram Tk, Pennagaram,
Dharmapuri District-636 809.

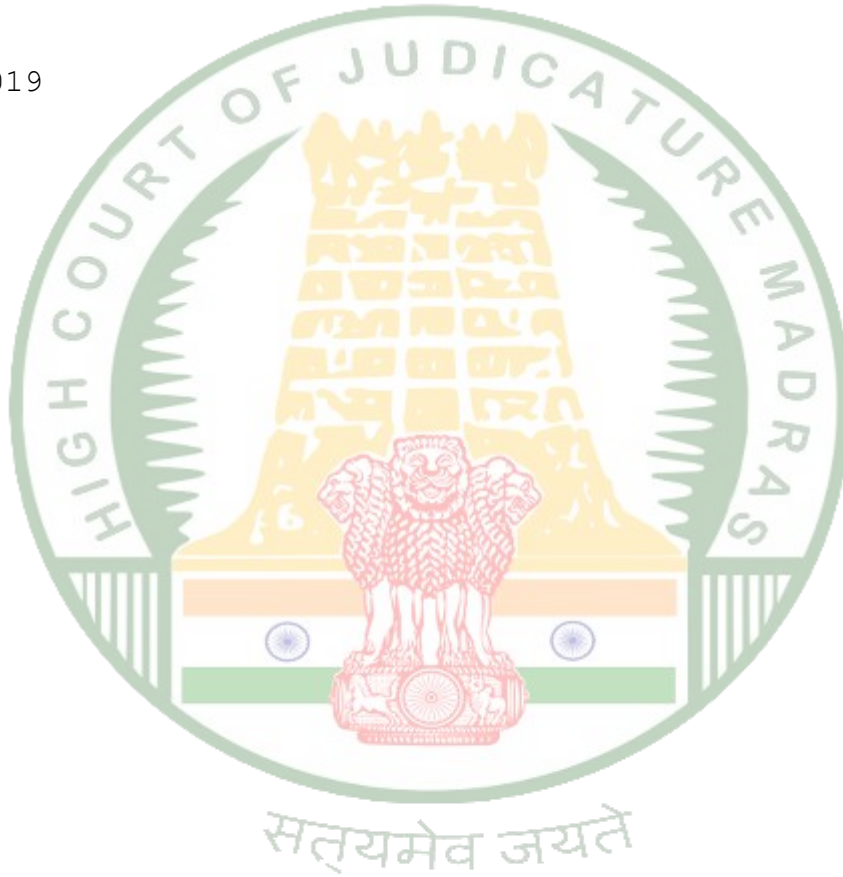
5.The Public Information Officer-Cum,- P.A to Sub Collector,
O/o Sub Collector, Dharmapuri.

+1cc to Mr.G.Ethirajulu, Advocate Sr.12082

+1cc to the Government Pleader Sr.12826

WP.No.27551 of 2018

pm[col]
srg 8/3/2019



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