



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.03.2019

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THE HONOURABLE **MR. JUSTICE. ABDUL QUDDHOSE**

W.P(MD) .No.18074 of 2017

AND

W.M.P. (MD) No.14528 of 2017

Sundarmani

...Petitioner

Vs.

1.The Industrial Secretary,
Government of Tamil Nadu,
Fort St George,
Chennai - 600 009.

2.The District Collector,
Tirunelveli District, Tirunelveli.

3.Sub Collector,
Cheranmahadevi,
Tirunelveli District.

4.The Joint Director,
Agricultural Department,
Tirunelveli District.

5.The Tahsildar,
Radhapuram Taluk,
Tirunelveli District.

6.The Commissioner,
Panchayat Union Office,
Valliyoore, Tirunelveli District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus, to forbear the respondents from subjecting the petitioner's agricultural land to the extent of Acre 6 Cents 56 in Survey No.1949 with well 3 HP pump set motor and cents 65 ½ in Survey No.1954/1B, Cents 20 in Survey No.1954/3B, Cents 8 in Survey No.1954/1C, Acre 1 Cents 73 in Survey No.1954 /1D, Cents 22 in Survey No.1954/1A with well and 5HP motor pump set, Cents 57 in Survey No.1954/3A, Acre 3 cents 62 in Survey No.1954/1, Acre 2 Cents 77 in Survey No.1954/1, Cents 77 in Survey No.1954/3, Acre 3 Cents 80 in Survey No.1955, Cents 80



in Survey No.1950 and Cents 40 in Survey No.1951 at Panangudi Village, Radhapuram Taluk, Tirunelveli District, without strictly following Section 10 of Right to Fair Compensation and Transparency in land Acquisition and rehabilitation and resettlement Act 2013 (Act 30 of 2013) by considering the petitioner's representation dated 07.08.2017.

For petitioner : Mr.T.R.Janarthanan
for M/s.S.R.Anbarasu

For R1 to R5 : Mr.M.Rajarajan

For R6 : Mr.J.Gunaseelanmuthiah
Government Advocate

ORDER

The instant Writ Petition has been filed for a mandamus to forbear the respondents from acquiring the petitioner's agricultural lands at Panangudi Village, Radhapuram Taluk, Tirunelveli District, as detailed below:

S. No.	Survey No	Extent	Classification
1.	1931	2.09.0	Punjai
2.	1946/1	1.46.5	Punjai
3.	1946/2A	0.40.0	Punjai
4.	1946/2B	0.41.5	Punjai
5.	1954/1A	0.09.0	Punjai
6.	1954/1B	0.26.5	Punjai
7.	1954/1C	0.06.5	Punjai
8.	1954/1D	0.70.0	Punjai
9.	1954/3A	0.23.0	Punjai
10.	1954/3B	0.08.0	Punjai

2.It is the case of the petitioner that the aforesaid lands as well as the adjoining lands belonging to him are all agricultural wet lands and cultivation is being done there. It is his case that the respondents are proposing to acquire the aforesaid lands from the petitioner under the Right to Fair Compensation and Transparency in Land Acquisition and Rehabilitation and Resettlement Act, 2013.

<https://hcservices.ecourts.gov.in/hcservices/>

3. Being agricultural wet lands, according to the petitioner



under Section 10 of the Right to Fair Compensation and Transparency in Land Acquisition and Rehabilitation and Resettlement Act, 2013, only under exceptional circumstances, the respondents have got the power to acquire the said lands. It is the case of the petitioner that for the notice of acquisition dated 08.05.2017 sent by the respondents, the petitioner has given a detailed reply stating his objections on 07.08.2017 for the proposed acquisition of his lands. According to the petitioner, even though objections were raised by the petitioner by his reply dated 07.08.2017, till date the respondents have not passed any final orders regarding the request for exclusion of the lands from acquisition by the petitioner under Section 10 of the Right to Fair Compensation and Transparency in Land Acquisition and Rehabilitation and Resettlement Act, 2013.

4. In such circumstances, the writ petition has been filed for a mandamus to forbear the respondents from subjecting his agricultural lands from acquisition without following Section 10 of the Right to Fair Compensation and Transparency in Land Acquisition and Rehabilitation and Resettlement Act, 2013.

5. Heard Mr. T. R. Janarthanan, learned counsel for the petitioner, Mr. M. Rajarajan, learned counsel appearing for the respondents 1 to 5 and Mr. J. Gunaseelanmuthiah, learned Government Advocate for the 6th respondent.

6. Even though, the learned counsel for the petitioner has sought for a positive direction from this Court to forbear the respondents from acquiring the petitioner's agricultural lands without following the provisions of Section 10 of the Right to Fair Compensation and Transparency in Land Acquisition and Rehabilitation and Resettlement Act 2013, the learned counsel for the petitioner is satisfied that if a direction is given to the respondents to pass final orders in the light of Section 10 of the Right to Fair Compensation and Transparency in Land Acquisition and Rehabilitation and Resettlement Act, 2013, after considering the objections raised by the petitioner in his reply dated 07.08.2017 to the notice dated 08.05.2017 sent by the 5th respondent.

7. The request made by the learned counsel for the petitioner if granted, will not prejudice the interest of the parties to the writ petition and will be an innocuous relief. Considering, the nature of the relief sought for by the learned counsel for the petitioner, this Court directs the 5th respondent to pass final orders, after considering the objections raised by the petitioner in his reply dated 07.08.2017, in the light of the provisions of Section 10 of the Right to Fair Compensation and Transparency in Land Acquisition and Rehabilitation and Resettlement Act, 2013, within a period of 12 weeks from the date of receipt of a copy of this order.



8. With the aforesaid direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Industrial Secretary,
Government of Tamil Nadu,
Fort St George, Chennai - 600 009.

2. The District Collector,
Tirunelveli District, Tirunelveli.

3. The Sub Collector, Cheranmahadevi,
Tirunelveli District.

4. The Joint Director,
Agricultural Department, Tirunelveli District.

5. The Tahsildar, Radhapuram Taluk,
Tirunelveli District.

6. The Commissioner,
Panchayat Union Office,
Valliyoor, Tirunelveli District.

+1 CC to M/s.SPL GP (SR-51984[F] dated 06/03/2019)

+1 CC to M/s.S.R.ANBARASU, Advocate(SR-51916[F] dated
06/03/2019)

DAS/MR

W.P (MD) .No.18074 of 2017
AND

W.M.P. (MD) No.14528 of 2017
05.03.2019

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