

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2020

C O R A M

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.2097 of 2012

A.Anthonisamy

... Petitioner

Vs.

1.The General Manager,
Southern Railway,
Chennai - 3.

2.The District Collector,
Thiruvannamalai District.

3.Revenue Divisional Officer,
Thiruvannamalai.

4.Tahsildar,
Tiruvannamalai,
Tiruvannamalai District.

5.The Public Relation Officer,
Office of Headquarters Deputy Tahsildar,
Tiruvannamalai.

6.Secretary Transport Department,
Fort Saint George,
Chennai - 9.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents to pay the compensation equal to the market value of the property at Rs.93,15,000/- with 24% interest for the land measuring about 3105 sq.ft situated in TS.No.370/5 Plot No.1 Pallavan Nagar, adjacent to Railway Station, Tiruvannamalai to the writ petitioner.

For Petitioner

: Mr.T.Chandrasekaran

For Respondent 1

: Mr.P.T.Ramkumar

For Respondents 2 to 6 : Mr.R.S.Selvam,
Government Advocate

ORDER

This writ petition has been filed for a mandamus on the ground that the petitioner's land was acquired without any notice and till date, no compensation has been paid for the said acquisition.

2. Heard Mr.T.Chandrasekaran, learned counsel for the petitioner, Mr.P.T.Ramkumar, learned standing counsel for the first respondent and Mr.R.S.Selvam, learned Government Advocate for the respondents 2 to 6.

3. The learned standing counsel for the first respondent drew the attention of this Court to the counter affidavit filed by them. In particular, he referred to paragraph 7 and 8 which reads as follows:

"7.I submit that, by letter dated 17.12.2019, we requested the District Collector to conduct a survey regarding the actual land utilized and determine the compensation amount. The District Collector by proceeding dated 19.12.2019 intimated us regarding the Tahsildhar, Tiruvannamalai has been directed to conduct a survey of petitioner's land on 21.12.2019 in presence of our Officials. On 21.12.2019, a survey was conducted by town land surveyor in presence of our Officials and the petitioner. On completion of survey it is ascertained 288 sq.mt of petitioner's land has been utilized by Railways for the project. The Tahsildar, Tiruvannamalai by proceeding dated 24.12.2019 has intimated the District collector about the survey conducted in petitioner's land.

8. I submit that, in reply to the request made by the District Collector, by letter dated 03.01.2020 we have communicated our approval to process further under Tamilnadu Industrial Purpose Land Acquisition Act, 1997 and determine the compensation amount for all the land owners as expeditiously as possible. The District Collector is the competent authority to determine the compensation amount for land owners. The Railway Administration will sanction the adequate compensation amount fixed

by the District Collector within a reasonable time granted by this Hon'ble Court."

4. As seen from the aforementioned paragraphs, it is clear that the petitioner's land which is the subject matter in this writ petition has been acquired for the benefit of the first respondent. It is also seen from the aforementioned paragraphs that the District Collector by his proceedings dated 19.12.2019 has directed the Tahsildar, Tiruvannamalai to conduct a survey of the petitioner's land on 21.12.2019. Accordingly, on 21.12.2019, a survey was conducted by the land surveyor in the presence of the petitioner. On completion of survey, it was also ascertained that 288 sq.mts. of the petitioner's land has been utilised by the Railways for its project. The Tahsildar, Tiruvannamalai by his proceedings dated 24.12.2019 has also intimated the District Collector about the survey conducted in the petitioner's land.

5. It is also stated in the counter affidavit that the first respondent has approved the land acquisition of the petitioner's land for its benefit and has also requested the District Collector who is the competent authority to determine the compensation payable to the petitioner as well as other land owners as expeditiously as possible. In the counter affidavit, the first respondent has undertaken that the Railway administration will sanction the compensation amount fixed by the District Collector to the petitioner within a reasonable time to be granted by this Court. The statements made in paragraphs 7 and 8 of the counter affidavit filed by the first respondent is recorded.

6. The learned counsel for the petitioner on instructions is satisfied with the undertaking given by the first respondent subject to time lines fixed by this Court for the payment of compensation to the petitioner.

7. Accordingly, this Court directs the second respondent to determine the compensation payable to the petitioner in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order and on such determination, the first respondent shall pay the compensation amount to the petitioner within eight weeks thereafter. It is made clear that if there any is any delay in payment of compensation to the petitioner, the first respondent shall be liable to pay interest at the rate of 18 % per annum on the delayed payment.

8. With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-VIII)

// True Copy//

Sub Assistant Registrar

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To

1. The General Manager,
Southern Railway,
Chennai - 3.
2. The District Collector,
Thiruvannamalai District.
3. Revenue Divisional Officer,
Thiruvannamalai.
4. Tahsildar,
Tiruvannamalai,
Tiruvannamalai District.
5. The Public Relation Officer,
Office of Headquarters Deputy Tahsildar,
Tiruvannamalai.
6. Secretary Transport Department,
Fort Saint George, Chennai - 9.

+1cc to Mr. T. Chandrasekaran, Advocate, SR.No.7581.
+1cc to Mr. P. T. Ramkumar, Advocate, SR.No.6746.
+1cc to Government Pleader, SR.No.7712.

EV (CO)
CSR: 20.02.2020

W.P.No.2097 of 2012

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