



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.16607 of 2020

M.Thangavel Asari

... Petitioner

-vs-

1.The Special District Revenue Officer,
Land Acquisition Tamil Nadu Road Development,
Scheme - II, Tiruchirappalli.

2.The Divisional Engineer,
Tamil Nadu Road Development,
Scheme - II, A-76/1, First Floor,
5th Cross Street, Maharaja Nagar,
Tirunelveli - 11.

3.The Special Tahsildar,
Tamil Nadu Road Development,
Scheme - II,
Tirunelveli.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to release compensation amount which is deposited by the Government in the Bank account for the loss occurred to the petitioner due to acquisition of petitioner carpentry shed based on petitioner representation dated 11.07.2019 within the stipulated time fixed by this Court.

For Petitioner : Mr.P.Jeyasankar

For Respondents : Mr.K.P.Krishnadoss
Special Government Pleader

O R D E R

This petition has been filed, seeking issuance of a Writ of Mandamus, directing the respondents to release compensation amount which is deposited by the Government in the Bank account for the loss occurred to the petitioner due to acquisition of petitioner's carpentry shed based on petitioner's representation dated 11.07.2019 within the stipulated time.

2.Heard the learned Counsel appearing for the petitioner and Mr.K.P.Krishnadoss, learned Special Government Pleader, who took
<https://hcservices.ecourts.gov.in/hcservices/>



notice for the respondents. By consent, the Writ Petition is disposed of at the admission stage itself.

3.The learned Counsel appearing for the petitioner would submit that on 20.03.2011, the petitioner had taken the vacant land in Survey No.75/3A2 situated at Manur Village, Tirunelveli District, from one Kubendran, who is the power holder of one Murugan, S/o.Mari Thevar, for running a carpentry shop on monthly rent. The petitioner, after obtaining the vacant land, had put up a pucca shed for the carpentry shop to an extent of 30 ft. x 25 ft. and he has been paying a sum of Rs.1,300/- per month as rent for the said vacant land in addition to a sum of Rs.10,000/- as advance. The petitioner by spending more than a sum of Rs.80,000/- for putting up the shed is running the carpentry shop in the name of Thangavel Wood Works. While so, the said land was acquired for the purpose of extension of State Highways from Rajapalayam to Tirunelveli (No.41). Pursuant to the acquisition, the first respondent vide proceedings dated 24.10.2017 asked the petitioner to pay compensation by producing necessary documents on 31.10.2017. Accordingly, the petitioner appeared before the first respondent and produced all the relevant documents. Thereafter, the third respondent assessed the compensation at Rs.2,97,798/- payable to the petitioner with accrued interest. As there was no information from the respondents, the petitioner got information under Right to Information Act on 18.03.2020 from the first respondent stating that the compensation cannot be given to the individual person as it has to be given to the land owners. The said statement is contrary to his proceedings dated 24.10.2017 calling for the petitioner to appear before the Special Tahsildar (Land Acquisition), Tirunelveli, with all necessary documents for payment of compensation. It is further submitted that the amount of compensation for the land has already been deposited in the Government account. The petitioner also had made a representation on 11.07.2019 seeking compensation based on the summon issued to him and the assessment made by the third respondent. As there was no response from the respondents, the petitioner has come forward with the present Writ Petition.

4.Learned counsel for the petitioner would submit that it would suffice, if a direction is given to the first respondent to dispose of the representation of the petitioner dated 11.07.2019 based on the proceedings of the first respondent dated 24.10.2017 at the earliest.

5.In view of the limited scope of the prayer sought for by the petitioner, this Court, without expressing any opinion on the merits of the matter, directs the first respondent to dispose of the representation of the petitioner dated 11.07.2019 based on the proceedings of the first respondent in Na.Ka.No.19/2014/Aa1, dated 24.10.2017 by passing appropriate orders thereon in accordance with law, after hearing necessary parties, within a period of 120 days from the date of receipt of a copy of this order, if there is no

<https://hccvires.ecourtsindia.org/> to do so.



6. With the above direction, this Writ Petition is disposed of.
No costs.

Sd/-

Assistant Registrar (P&A)

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/ /2021

Sub Assistant Registrar(CS)

SRM

To

- 1.The Special District Revenue Officer,
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- 3.The Special Tahsildar,
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+1cc to SPL GP Sr.No.23017

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VB (04.01.2021) 3P 5C