



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2020

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P. (MD) .No.26840 of 2019

WEB COPY

1.S.Sankaranarayanan

2.A.Thomsan

.. Petitioners

(2nd Petitioner impleaded *suo motu* by
order of this Court dated 09.01.2020
by SSSRJ)

Vs.

1.The Special Deputy Collector,
(Interlinking of Rivers' Scheme)
Office of the District Collector,
Tirunelveli.

2.The Special Tahsildar (Land Acquisition),
Interlinking of Rivers (Unit - 6),
Radhapuram at Nanguneri,
Tirunelveli District.

3.The Secretary to Government,
Revenue Department,
Fort St. George,
Chennai - 600 009.

.. Respondents

(3rd respondent impleaded *suo motu* by order of this Court dated
09.01.2020 by SSSRJ)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 26.08.2019 and determine the compensation for the land acquired in Survey Nos.5/3 - 1.92.00 Hectare, 94/1 - 0.2.50 Hectare, 94/3 - 1.94.50 Hectare, 94/4 - 0.21.00 Hectare, 94/5 - 2.77.00 Hectare and 95/1 - 0.90.50 Hectare situated at Vijayanarayanam Part-I Village, Thisayanvilai Taluk, Tirunelveli District by passing an award under "Section 26 to 30" of the Act, 2013 and also pay the compensation within the time fixed by this Court.

For Petitioner 1

: Mr.H.Arumugam

For Petitioner 2

: Mr.A.Thomson

Party-in-Person



For Respondents : Mrs.V.P.M.Vaishnavi
Government Advocate

WEB COPY

ORDER

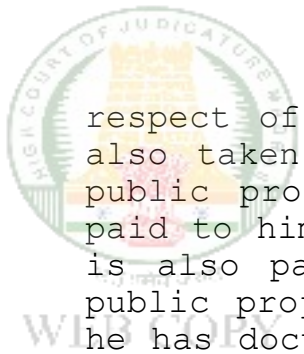
This Writ Petition is filed for issuing a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 26.08.2019 and to determine the compensation for the land acquired in Survey Nos.5/3, 94/1, 94/3, 94/4, 94/5 and 95/1 situated at Vijayanarayanam Part-I Village, Thisayanvilai Taluk, Tirunelveli District by passing an award under "Section 26 to 30" of the Act, 2013 and also pay the compensation within the time fixed by this Court.

2.It is the case of the petitioners that the petitioners land in certain survey numbers which are specified in the prayer, were utilised for interlinking of river scheme. It is stated that the lands were never acquired under any legislation but by force for the project. Though the neighbouring lands were acquired under the Land Acquisition Central Act, the petitioners have now realised that no part of their land was acquired either under the Land Acquisition Central Act or under the new Act viz., Act 30 of 2013 namely the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Since the petitioners were deprived of their possession for a long time, the petitioners have made several representations to determine the compensation for the land acquired from the petitioners. By proceedings dated 14.11.2019, the District Collector, Tirunelveli has given the list of lands which are required to be acquired by private negotiations. Since the land owners have not agreeable for the compensation offered by the respondents, it is admitted that the Collector has recommended initiation of action under Act 30 of 2013, namely, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. It is not disputed that the petitioners' land had been taken and the petitioners are entitled to compensation in terms of Act 30 of 2013. Since private negotiation has failed the respondents have no other option but to initiate action under Act 30 of 2013.

3.In view of the nature of directions to be given by this Court, the Secretary to Government, Revenue Department, Fort St. George, Chennai - 600 009, is *suo motu* impleaded as third respondent in the Writ Petition.

4.When the matter is heard, One Mr.A.Thomson, S/o.V.Anthonimuthu Nadar, Door No.15-62B, Viahapper Street, Christopher Nager, Peruvilai (Post) - 629 003, Kanyakumari District, appeared before this Court as party-in-person and made a claim in

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



respect of Survey No.94/5 and some other survey numbers which are also taken from the holdings of Mr.A.Thomson and utilised for the public project. Though he states that compensation has not been paid to him, it is submitted by the individual that no compensation is also paid to him even though the lands were utilised for the public project. It is specifically contended by Mr.A.Thomson that he has documents of title to prove his ownership. It is stated by him that patta has been fraudulently transferred in the name of some individuals without notice to him. It is in the said context, it is open to the said individual Mr.A.Thomson to approach the authorities once acquisition proceedings is initiated so that he may get just compensation for the lands which are acquired from his holdings upon production of title. Since the said individual admit that his name has been wrongly removed from the revenue records, this Court cannot adjudicate the rights of the individual at this stage of the the proceedings. Hence, the respondents are directed to give notice to the said individual at every stage of the proceedings. In case, there is any dispute or rival claim to any portion of the property which is now sought to be acquired by initiating fresh notification, the respondents may also refer the matter for adjudication before the Civil Court in terms of Section 77 of the Act 30 of 2013.

5.The third respondents are directed to initiate acquisition proceedings under Act 30 of 2013, namely, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, within a period of six months from the date of receipt of a copy of this order. Upon finalization of the acquisition proceedings, the said authorities under the Act shall do their best to pay compensation to the petitioners and others whose lands have already been utilised for the public project without undue delay. It is also made clear that the petitioners and other land owners are also entitled to some compensation for the period from the date of taking possession of the land from the owner till the date on which the land acquisition proceedings is initiated under the Act 30 of 2013, namely, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The said compensation shall also be determined as part of the compensation payable under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 for the lands.

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

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

- 1.The Special Deputy Collector,
(Interlinking of Rivers' Scheme)
Office of the District Collector,
Tirunelveli.
- 2.The Special Tahsildar (Land Acquisition),
Interlinking of Rivers (Unit - 6),
Radhapuram at Nanguneri,
Tirunelveli District.
- 3.The Secretary to Government,
Revenue Department,
Fort St. George,
Chennai - 600 009.

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-1262[F] dated 10/01/2020)

+1 CC to M/s.SPL.GP (SR-1610[F] dated 13/01/2020)

W.P. (MD) .No.26840 of 2019
09.01.2020

_KK/SAR/19.02.2020/4P-6C/