



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.1800 of 2009
and M.P.Nos.1, 2 of 2009

1.T.S.Thayuman (Deceased)
2.Gnanambal
3.Saravana Kumar
4.Prabakaran ... Petitioners

(Petitioners 2 to 4 substituted as Legal Heirs of the Deceased 1st petitioner as per order dated 14.07.2014 in M.P.No.1 of 2010 in W.P.No.1800 of 2009)

Vs

1.The Secretary to Government
Adi Dravida and Tribal Welfare Department,
Secretariat, Chennai - 9.
2.The Director,
Adi Dravida Welfare Department,
Chepauk, Chennai.
3.The District Collector,
Trichy.
4.The Commissioner and Special Commissioner
of Land Administration, Chepauk, Madras 5.
5.The District Adi Dravidar Welfare Officer,
Tiruchirapalli.

6.M.Natarajan ... Respondents

(R6 impleaded vide order dated 19.06.2019 made in M.P.No.1 of 2013 in W.P.No.1800 of 2009)

Prayer : Writ Petition has been filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records on the file of the 1st respondent in proceedings G.O.Ms.309 dated 15.10.2008 and quash



the same as illegal, incompetent and without jurisdiction and further direct the 1st respondent to pay the amount for acquisition of S.No.7/2A measuring one acre of land in Manachanallur Taluk and Village, Tiruchirapalli District as determined by the 4th respondent in his report dated 19.03.2008 based on the report of the 5th respondent dated 12.03.2008 or in the alternative refer the matter to the Subordinate Judge, Tiruchirapalli for determination of compensation under Section 18 of the Land Acquisition Act, 1894.

For Petitioners : Mr.V.Raghavachari

For Respondents : Mr.M.R.Gokul Krishnan,
1 to 5 Government Advocate

For Respondent 6: Mrs.Hema Sampath,
Senior counsel
for M/s.R.Meenal

O R D E R

This writ petition has been filed to issue a Writ of Certiorarified Mandamus to call for the records on the file of the 1st respondent in proceedings G.O.Ms.309 dated 15.10.2008 and quash the same as illegal, incompetent and without jurisdiction and further direct the 1st respondent to pay the amount for acquisition of S.No.7/2A measuring one acre of land in Manachanallur Taluk and Village, Tiruchirapalli District as determined by the 4th respondent in his report dated 19.03.2008 based on the report of the 5th respondent dated 12.03.2008 or in the alternative refer the matter to the Subordinate Judge, Tiruchirapalli for determination of compensation under Section 18 of the Land Acquisition Act, 1894.

2. The case of the petitioners is that the property comprised in Survey No.7/2A measuring an extent of 1.95 acres situated at Manachanallur Village and Taluk, Tiruchirapalli belonged to one Padmanabha Chettiar. He was declared insolvent as per the proceedings in I.P.No.9 of 1951 on the file of the Sub Court, Tiruchirapalli. The Official Liquidator, Trichy had sold the properties in an auction and in which the petitioner was declared the successful bidder along with two other persons. The said property was purchased by the petitioner and two others including the sixth respondent in the Court auction on 31.07.1973 and the sale amount was deposited in the Court.

3. Subsequently, the legal heirs of the insolvent Padmanabha Chettiar challenged the auction sale and ultimately the purchase



of the petitioner and the sixth respondent along with another are confirmed in S.L.P.Nos.9809 to 9811 of 1990 by an order dated 28.02.1995. While pending the said proceedings, the subject land was acquired for construction of Adi Dravida Hostel, Adi Dravida Welfare Department. After acquisition the third respondent passed an award at Rs.23,40,212/- with interest from 09.08.1995 till 18.09.2007 at the rate of 6% and 15% solatium. The petitioner received compensation on 23.12.2008. However, without satisfying the award amount the petitioner made request to pay compensation on the basis of prevailing market value with interest.

4. Pending the writ petition, the sixth respondent also got impleaded and Mrs.Hema Sampath, the learned Senior Counsel submitted that he also purchased part of the property and suppressing the acquisition proceedings, the petitioner alone received the entire compensation. Therefore, the petitioner is entitled for compensation for the land purchased through Court auction. In this regard, the sixth respondent filed a comprehensive suit in O.S.No.314 of 2008 on the file of the Sub Court, Lalgudi, Trichy District and it is pending. Therefore, the sixth respondent has no say in the present writ petition with regard to seeking enhancement of compensation or refer the matter before the referral Court under Section 18 of the Land Acquisition Act, 1894.

5. Considering the above, the petitioner is directed to submit an application before the third respondent to refer the matter before the referral Court within a period of two weeks from the date of receipt of a copy of this order. The third respondent is directed to refer the request of the petitioner before the referral Court to determine the valuation of the property in the manner known to law. The sixth respondent is at liberty to make a claim in respect of the property purchased by him from the petitioner in the manner known to law.

6. With the above directions, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government
Adi Dravida and Tribal Welfare Department,
Secretariat, Chennai - 9.

2.The Director,
Adi Dravida Welfare Department,
Chepauk, Chennai.

3.The District Collector,
Trichy.

4.The Commissioner and Special Commissioner
of Land Administration, Chepauk, Madras 5.

5.The District Adi Dravidar Welfare Officer,
Tiruchirapalli.

Copy to: The Sub Court,
Tiruchirapalli.

+1cc to Mr.V.Raghavachari, Advocate, S.R.No.53431

+1cc to Ms.R.Meenal, Advocate, S.R.No.53103

W.P.No.1800 of 2009
and M.P.Nos.1, 2 of 2009

GJ(CO)
CB(02/11/2021)