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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2021

CORAM :

THE HON'BLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

W.P.No.3644 of 2021
and
W.M.P.No.4174 of 2021

Buela

...Petitioner

Versus

1.The Special District Revenue Officer,
(Land Acquisition),
Tamil Nadu Road Development Project-II,
SIDCO, 2nd Floor,
Thiru.Vi.Ka., Guindy,
Chennai - 600 032.

2.The Divisional Engineer (Highways),
Tamil Nadu Road Development Project-II,
Virudhachalam, Cuddalore District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records connected with the proceedings issued in Ka.No.917/2017/Va.A/ dated 25.10.2017 passed by the 2nd respondent and Na.Ka.No.R2/584/2014, dated 28.08.2020 passed by the 1st respondent and quash the same and consequently direct the respondents to enhance the compensation for the petitioner's land situated in Sr.No.196/2, 1.13 cent.

For Petitioner : Mr.S.Ilamvaludhi

For Respondents : Mr.K.M.D.Muhilan
Government Advocate

ORDER

This writ petition has been filed seeking for quashing the impugned order in Ka.No.917/2017/Va.A/, dated 25.10.2017 passed by the second respondent and Na.Ka.No.R2/584/2014 dated 28.08.2020 passed by the 1st respondent and for consequential direction to the respondents to enhance the compensation for the petitioner's land comprised in Sr.No.196/2, 1.13 cent.

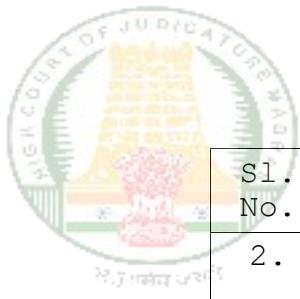


2. The case of the petitioner is that she had purchased the land comprised in S.No.196/2 measuring an extent of 1.13 cent at No.72, Chidambaram Road, Poonthottam, Virudhachalam, Cuddalore District, from one Veerammal on 02.07.2010 for a valuable consideration and she had constructed a house. While so, the Government acquired the said land and 1/3 of her house demolished completely for the scheme introduced by the respondent called Virudhachalm-Parangipettai Road SH 70. Subsequently, the 2nd respondent declared that the petitioner herein is an encroacher by way of his proceedings in Ka.No.917/2017/Va.A. dated 23.10.2017 and compensation has also been paid a sum of Rs.16,620/-, whereas, the adjacent land owners were paid huge amount. Following this, she sent a notice dated 01.10.2020 through her lawyer to the 1st respondent requesting to pay additional compensation and the same was rejected by the first respondent vide his proceedings in Na.Ka.No.R2/584/2014, dated 28.08.2020 by not mentioning survey number, the total extent of the property owned by her and the name of the village. In the said notice dated 01.10.2020, she has mentioned all the above details and the compensation proceedings was issued by the 1st respondent, dated 28.08.2020, who is well aware of the above facts. According to the petitioner, the reply letter dated 28.08.2020 issued by the 1st respondent is only a delaying tactics of the respondent. Hence, the petitioner has come forward with the present writ petition to pay additional compensation.

3. Heard both sides and perused the materials available on record.

4. It is seen from the records that the petitioner had purchased the aforesaid property and the Government of Tamil Nadu acquired her property and compensation amount has been paid to the petitioner on 22.04.2016 by the officials of the respondents. It is also seen from the records that the Government of Tamil Nadu with the financial aid of world bank has proposed strengthening and widening of State Highways No. 70 (Virudhachalam-Parangipettai Road) under the Tamil Nadu Road Sector Project - II. In this regard, the lands situated in Virudhachalam Town, Cuddalore District for a total extent of 567 sqmtrs were proposed to be acquired as below for the expansion of Virudhachalam to Parangipettai Road:-

Sl. No.	Survey No.		Acquisition Extent
	T.S.No.	Old S.No.	
1.	Ward-E, Block-66, T.S.No.2	179/7A	8



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S1. No.	Survey No.		Acquisition Extent
2.	Ward-E, Block-66, T.S.No.3	179/7A	3
3.	Ward-E, Block-66, T.S.No.4	179/7A	5
4.	Ward-E, Block-66, T.S.No.5	179/7A	5
5.	Ward-E, Block-66, T.S.No.8	179/7A	5
6.	Ward-E, Block-66, T.S.No.56	181/9C/9A	20
7.	Ward-E, Block-66, T.S.No.58	184	521

5. On a perusal of the records, this Court finds that as per the World Bank Policy, the Rehabilitation and Resettlement assistance was provided by the Project to the Non-Title holders, who has occupied the Government Lands. Hence, for 22 encroachers who have encroached upon Government Land in T.S.No. 44, Block 66 (Old Survey No. 197) in Virudhachalam Town were paid and compensation amount of Rs.13,33,476/- as Rehabilitation and Resettlement assistance. In the above cases, minor impacts were paid with structure value only and the major impacts were paid with both structure value and Rehabilitation and Resettlement assistance. As the petitioner had constructed a structure (Cement Floor without Roof) which is a minor impact, a compensation of Rs.16,620/- as valued by the Divisional Engineer, TNRSP, Virudhachalam was paid to the petitioner through ECS on 22.04.2016. Subsequently, the petitioner sent a representation dated 20.04.2016 requesting to pay additional compensation for the above structure in encroached portion, which was placed before the Grievance Redressal Committee meeting on 20.06.2016, in which, it was decided that the writ petitioner has been paid with sufficient compensation already and hence, the same was rejected. After a lapse of four years, the petitioner sent a representation through a lawyer which was received in this office on 26.08.2020. Since there was no particulars of survey number, village number etc., and hence, the same was rejected the representation of the petitioner dated 26.08.2020 by the officials of the respondent. Aggrieved by the same, the petitioner has filed this writ petition.

6. Considering the above facts and circumstances of the case, this court is of the view that since sufficient compensation has already been paid to the petitioner, the grievance of the petitioner to be paid enhanced compensation for



the encroached portion cannot be entertained and furthermore, he has no legal right to claim additional compensation for the encroached portion. Hence, there is no merit in the writ petition and accordingly, the same is dismissed.

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7. Accordingly, the writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar (CS-IV)

// True Copy //

Sub Assistant Registrar

gba/msm

To

1. The Special District Revenue Officer,
(Land Acquisition),
Tamil Nadu Road Development Project-II,
SIDCO, 2nd Floor, Thiru.Vi.Ka., Guindy,
Chennai - 600 032.

2. The Divisional Engineer (Highways),
Tamil Nadu Road Development Project-II,
Virudhachalam, Cuddalore District.

+1cc to the Government Pleader SR.No.42309

W.P.No.3644 of 2021

MG (CO)
RVM(21/01/2022)