



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.22219 of 2012
and M.P.No.1 of 2012

M.Shanmugham

... Petitioner

Vs

1. The Revenue Divisional Officer &
Land Acquisition Officer,
Erode.
2. The Assistant Engineer / Civil,
Bhavani Kattalai Barrage - 1,
B.P.Agraharam, Erode - 5.
3. The Village Administrative Officer,
Ramanathapuram Pudur,
Erode - 5.
4. The Engineer N.Annamalai,
Superintendent Engineer / Civil,
Neermin Thittam,
Vendipalayam,
Erode - 638 002.

... Respondents

(R4 - Impleaded as per order dated 23.08.2012 by VDPJ in M.P.No.2 of 2012 in W.P.No.22219 of 2012)

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the entire records pursuant to the order of the 2nd respondent in மே.பா.பொ/சி/நீ.மிதி/வெ.ப/உ.செ.பொ./முநிவ1/கோ.ப.க.க.ஐ/நி.எ.(வ.க.) P.R.No.259 of 2011 dated 26.11.2011 quash the same and consequently direct the respondent to conduct a proper enquiry, survey and award adequate compensation to the petitioner for the flooded area in S.F.Nos.104/3 and 104/4A.

For Petitioner	:	Mr.A.Deivasigamani for M/s.G.B.Saravanabhavan
For Respondents	:	Mr.Richardson Wilson,
R1, & R3	:	Government Advocate
R2, R4	:	Notice served



O R D E R

This Writ Petition is filed to issue a Writ of Certiorarified Mandamus calling for the entire records pursuant to the order of the 2nd respondent in மே.பா.பொ/சி/நீ.மிதி/வெ.ப/உ.செ.பொ./முநிவ1/கோ.ப.க.க.ஐ/நி.எ.(வ.க.)

P.R.No.259 of 2011 dated 26.11.2011 quash the same and consequently direct the respondent to conduct a proper enquiry, survey and award adequate compensation to the petitioner for the flooded area in S.F.Nos.104/3 and 104/4A.

2. The petitioner purchased the subject property and he was issued patta it is comprised in S.F.Nos.104/1, 2, 3, 4A, 4C and measuring to an extent of 3.76 out of 5.97 acres were marked by the respondents except the land comprised in S.F.No.104/4B and measuring 17 cents and laid the stones in respect of other land for acquisition. After the acquisition, the award has been passed in Award No.3 of 2003 dated 10.07.2003. The remaining land comprised in S.F.No.104/3 and 104/4A and 4B were not acquired by the respondents as S.F.No.104/3 is a river poramboke and the lands in 104/4A and 4B are patta lands.

3. The respondents had started to store water in the Barrage No.1 and the same had totally flooded the above remaining lands comprised in S.F.No.104/3 and 104/4A. Therefore, the petitioner sent representation to include the said land also in acquisition and sought for compensation. It is also seen that for the property which were already acquired, the award has been passed in Award No.3 of 2003 dated 10.07.2003.

4. On the other hand, the other land owners have challenged it and referred under Section 18 in L.A.O.P.No.5 of 2006 and compensation was enhanced to Rs.2,00,000/- per acre and Rs.2500/- per coconut tree. Therefore, the petitioner approach the District Collector, Erode under Section 28(A) of the Land Acquisition Act and it is pending for consideration.

5. Therefore the petitioner is directed to submit a representation with regard to seeking compensation for the flooded area in S.F.Nos.104/3 and 104/4A within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the District Collector, Erode is directed to consider the same and pass orders on merits in accordance with law along with the petition filed under Section 28(A) of the Land Acquisition Act in respect of other land which were already acquired within a period of twelve weeks thereafter.



WEB COPY

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

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rna

To

1. The Revenue Divisional Officer &
Land Acquisition Officer,
Erode.
2. The Assistant Engineer / Civil,
Bhavani Kattalai Barrage - 1,
B.P.Agraharam,
Erode - 5.
3. The Village Administrative Officer,
Ramanathapuram Pudur,
Erode - 5.
4. The Engineer N.Annamalai,
Superintendent Engineer / Civil,
Neermin Thittam,
Vendipalayam,
Erode - 638 002.

Copy to:

The District Collector,
Erode.

+1cc to M/s.G.B.Saravanabhavan, Advocate Sr No.39798
+1cc to the Government Pleader Sr No.40055

W.P.No.22219 of 2012
and M.P.No.1 of 2012

KSM (CO)
PR (24/09/2021)