

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2021

CORAM

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

W.P. No.9593 of 2021

K. Ranganathan
S/o. Kaliyagounder

...

Petitioner

Vs

1. The State of Tamil Nadu,
rep. by its,
Secretary to Government,
Highways and minor Ports Department,
Fort. St. George,
Chennai 600 009.
2. The Land acquisition officer
and Competent Authority,
Special District Revenue Officer,
(Land acquisition),
District Collector Office,
Salem District.
3. The Special Tahsildar (Land acquisition),
Tamil Nadu Road Development Project II,
Salem District.
4. The Thasildar,
Mettur,
Salem District.
5. The District Registrar (Administration),
Salem (North).
6. The Sub Registrar,
Mecheri,
Salem District

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to pay compensation of Rs.1151 per sq.foot or higher value to the petitioner land situated in survey No.338/1A, 339/4B situated at Mecheri Village, Mettur circle, Salem District before evicting the petitioner from his land.

For petitioner ... Mr. Udaykumar

For respondents ... Mr. Anandhamoorthy,
Gov. Advocate
for R1 to R4

... Mr. T.M.Pappiah,
Spl. G.P.,
for R5 & R6

ORDER

This writ petition has been filed seeking a direction to the second respondent to pay a compensation of Rs.1151/- per sq.ft. to the petitioner's land in S.No.338/1A, 339/4B situated at Mecheri Village, Mettur Circle, Salem District.

2. The grievance of the petitioner is that the petitioner's land was sought to be acquired under the Tamil Nadu Highways Act and necessary notifications were also issued to that effect, thereafter, an award enquiry was also conducted by the second respondent. At the time of enquiry, the second respondent fixed the market value at Rs.350/- per square feet, for the petitioner's land. The petitioner raised objection during the award enquiry requesting the Acquisition Officer to fix the market value of the property at the rate of Rs.1151/- per sq.feet . He has also filed relevant sale deeds and other materials to show that the market value on the date of acquisition was Rs.1151/-. Thereafter, it seems that the Acquisition Officer sought for guideline value from the 5th respondent/District Registrar, and by a letter dated 16.03.2021, the 5th respondent/District Registrar, informed the guideline value of the petitioner's land. Now, the present writ petition has been filed seeking a direction to the second respondent to fix the market value of the property at the rate of Rs.1151/- per square feet.

3. I have heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents 1 to 4 and the learned Special Government Pleader appearing for the respondents 5 and 6.

4. Admittedly, the award enquiry proceeding is pending with the second respondent and the petitioner also said to have appeared before the second respondent and filed his objection and he said to have filed relevant documents to show the market value of the property. At this stage, this Court cannot direct the second respondent to fix the market value of the property as requested by the petitioner. However, the second respondent is directed to consider the objection made by the petitioner as

well as the documents filed by him while fixing the market value of the property and pass suitable award on merits and in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

mrp

To

1. The State of Tamil Nadu,
rep. by its,
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5. The District Registrar (Administration),
Salem (North).
6. The Sub Registrar,
Mecheri, Salem District

+1cc to Mr.Karan & Uday, Advocate SR.No.23517

+1cc to Government Pleader SR.No.24016

W.P. No. 9593 of 2021

EV(CO)

GMV(29/06/2021)