



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.14156 OF 2021

S.Pounraj

... Petitioner

vs.

1. The District Collector,
Krishnagiri.
2. The Special Tahsildar (Land Acquisition)
Ennegol Dam Project,
Right and Left side canal,
Krishnagiri.
3. The Bank Manager,
Union Bank of India,
Karimangalam,
Dharmapuri District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents 1 and 2 to withdraw an objection letter was sent to the 3rd respondent letter dated 06.03.2021 and consequently, direct the 3rd respondent to allow to the petitioner to operate or withdraw his amount of compensation being accumulated in his account with the 3rd respondent.

For Petitioner : Dr.G.Babu

For R1 and R2 : Mr.G.Ameedius
Government Advocate

ORDER

This writ petition has been filed to issue a Writ of Mandamus, to direct the 1st and 2nd respondents to withdraw an objection letter was sent to the 3rd respondent letter dated 06.03.2021 and consequently, to direct the 3rd respondent to



allow the petitioner to operate or withdraw his amount of compensation being accumulated in his account with the 3rd respondent.

2. The case of the petitioner is that the petitioner owned property comprised in S.No.50/2E2 situated at Karadihalli Village, Krishnagiri District to an extent of 575 Sq.Mtr., (hereinafter referred to as the 'subject land' for short) was acquired by the 2nd respondent for the purpose of installing water canal on the right and left side of Ennegol Dam Project. As per the resolution of the private negotiation meeting, the compensation amount was fixed at Rs.14,83,819/- and based on the said value, the petitioner executed a sale deed dated 10.02.2021 in favour of the State of Tamil Nadu registered vide Document No.348/2021. Accordingly, the 2nd respondent deposited the entire compensation amount of Rs.14,83,819/- and in which a sum of Rs.3,80,000/- was permitted to withdraw by the petitioner.

3. While being so, on 01.03.2021 the 2nd respondent sent a letter to the 3rd respondent stating that the amount awarded for the subject land is higher than the guideline value fixed in the said area. The value was worked for the subject land at Rs.29,555/-. Adding 275% of the land value comes around Rs.81,276/-. However, the 2nd respondent by presumption fixed the value of the subject land at Rs.584/- per Sq.mt., and it is a mistake of fact. Therefore, the 2nd respondent requested the 3rd respondent to withhold the compensation amount deposited in the petitioner's account till the receipt of further intimation.

4. The learned counsel for the petitioner would submit that the adjacent land owner one Aayirammudiyal had also executed a sale deed dated 26.10.2021 in favour of the State of Tamil Nadu registered vide Document No. 2318/2021 and its value was fixed at Rs.14,72,701/- for the land ad-measuring 0.07.65 hectare comprised in S.No.47/1 situated at Karadihalli Village, Krishnagiri District, for the very same project. Likewise, another adjacent land owner one Kaveriammal executed a sale deed dated 10.02.2021 registered vide Document No. 350/2021 in respect of the land comprised in S.No.161/1 to an extent of 0.65 ½ cent in favour of the State of Tamil Nadu for the total sale consideration of Rs.68,43,222/-. Accordingly, the subject land was also fixed compensation and rightly deposited the sale consideration with the petitioner's account lying in the 3rd respondent/bank.

5. On perusal of the sale deed executed by the petitioner, categorically revealed that the sale consideration was fixed at Rs.14,83,819/- for the subject land. After execution of the sale deed, the possession of the subject land was handed over to the



State of Tamil Nadu and in fact the said project is under progress. The sale deed executed by the petitioner on 10.02.2021 and immediately, the sale consideration was deposited in the account of the petitioner by the letter dated 01.03.2021. Thereafter, the 2nd respondent requested the 3rd respondent to withhold the amount deposited in the account of the petitioner.

6. That apart, the 2nd respondent requested the 3rd respondent to remit a sum of Rs.10,47,301/- to the account of RDO KRISHNAGIRI LA ENNEGOLE PROJECT (A/c.No.6966470634). Once the sale deed executed by the petitioner for the sale consideration of Rs.14,83,819/- cannot be claimed for the reason that the compensation mistakenly awarded on higher than the guideline value. As stated supra, the similarly located lands were compensated on the very same rate and the land owners were duly received their sale consideration.

7. In view of the above, the petitioner is permitted to withdraw the balance sale consideration which is lying in the 3rd respondent/bank. The 3rd respondent/bank is directed to disburse the balance sale consideration which is deposited by the 2nd respondent in pursuant to the sale deed dated 10.02.2021 executed by the petitioner registered vide Document No.348/2021 in respect of the subject land in favour of the State of Tamil Nadu, forthwith, without insisting any further clarification from the 2nd respondent in pursuant to the letter dated 01.03.2021. If at all the 2nd respondent felt that the sale consideration is fixed higher than the guideline value of the subject land, the 2nd respondent ought to have cancelled the sale deed executed by the petitioner and handed over the subject land to the petitioner.

8. With the above directions, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

dm

To

1. The District Collector,
Krishnagiri.



2. The Special Tahsildar (Land Acquisition)
Ennegol Dam Project,
Right and Left side canal,
Krishnagiri.

WEB COPY

3. The Bank Manager,
Union Bank of India,
Karimangalam,
Dharmapuri District.

+2ccs to Dr.G.Babu, Advocate, S.R.No.66577

+1cc to the Government Pleader, S.R.No.67525

W.P.No.14156 of 2021

CP(CO)
RLP(03/01/2022)