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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2021

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.19644 of 2019

G.Ramanujam

...Petitioner

Vs

1. The District Collector,
Collectorate,
Cuddalore District.
2. The Revenue Divisional Officer (LA),
Tamil Nadu Road Development Scheme-II,
Chennai - 28.
3. The Tahsildar (LA),
Tamil Nadu Road Development Scheme-II,
Thiruvannamalai.
4. Rehabilitation Officer,
Tamil Nadu Road Development Scheme-II,
Chennai - 28.
5. The Divisional Engineer (Highway),
Tamil Nadu Road Development Scheme-II,
Virudhachalam,
Cuddalore District.

...Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 2 and 5 to sanction compensation as per letter dated 06/2017/U.Ko.Po/dated 14.07.2017 issued by the fifth respondent and to disburse the amount Rs.1,32,550/- (One lakh thirty two thousand five hundred and fifty) and further direct the fourth respondent to allot alternative rehabilitation site.

For Petitioner : Mr.G.Kadhiresan

For Respondents : Mr.G.Ameedius
Government Advocate



ORDER

This writ petition is filed to issue a Writ of Mandamus, to direct the respondents 2 and 5 to sanction compensation as per letter dated 06/2017/U.Ko.Po/dated 14.07.2017 issued by the fifth respondent and to disburse the amount Rs.1,32,550/- (One lakh thirty two thousand five hundred and fifty) and further direct the fourth respondent to allot alternative rehabilitation site.

2. The case of the petitioner is that he is in possession and enjoyment of the Poramboke land at Kammapuram Village, in which he constructed a house bearing Door No.75, Electricity Cervice connection No.741. The said land was acquired for upgrading SH-70, Virudhachalam-Parangipet Road and the respondents sanctioned compensation amount of Rs.1,75,520/-. As per the rehabilitation scheme, the respondents valued existing construction at Rs.22,520/-, building construction at Rs.70,000/-, whom have no house site additional fund at Rs.50,000/-, for livelihood at Rs.18,000/-, Transport charges at Rs.10,000/-, for family vulnerable cost at Rs.5,000/-, in total Rs.1,75,520/- had been sanctioned as "valued" at the time of field inspection. However, the respondents disbursed the compensation amount of Rs.56,700/- only.

3. On a perusal of the counter affidavit, it reveals that the Tamil Nadu Road Sector Project-II is carrying out land acquisition for up-gradation and widening of SH 70 Virudhachalam-Parangipettai Road funded by the World Bank and the petitioner's house was acquired for widening the Highways. The petitioner's house is located in the Poramboke land and hence, as per the the Rehabilitation and Resettlement Policy of the Tamil Nadu Road Sector Project-II, the petitioner was eligible to be provided assistance as a Residential Squatter and a compensation of Rs.56,700/- was disbursed to him, by order dated 11.07.2018 and also further additional compensation of Rs.1,880/- was sanctioned to the petitioner on 27.03.2019. In the land comprised in S.Nos.155 and 515 of Kammapuram Village, which is classified as "Poramboke land", the petitioner constructed a thatched house. It was proposed to widen State Highways 70 and a portion of the Poramboke lands enjoyed by the petitioner, was proposed to be utilized for widening.

4. Therefore, the petitioner was never sanctioned any amount for construction of house of Rs.80,140/-, as he owns a house in Survey No.152A/5D2 of Kammapuram Village. Further, the compensation of house site of Rs.57,240/- was also not sanctioned to the petitioner, as he owned 100 sq.mts of Manai land in Survey No.152A/5D2, and its title was subsequently transferred in favour of his wife. In fact, on inspection, the



third respondent, by proceedings dated 22.03.2018, recommended that the petitioner was eligible for re-settlement and rehabilitation compensation, for which he was paid the compensation. Therefore, the claim of the petitioner cannot be sustained and it is liable to be dismissed.

5. In the result, this Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

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To

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+1cc to the Government Pleader, S.R.No.64819

W.P.No.19644 of 2019

PVS (CO)
RGA (21/12/2021)