



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2021

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

WP.No.23698 of 2021 and
WMP.Nos.24947 & 24949 of 2021

1.Maragatham
2.Subbathal

...Petitioners

Vs

1. The District Collector,
Coimbatore District Collector Office,
State Bank Road, Gopalapuram,
Coimbatore 641 018

2. The Inspector of Police,
Chettipalayam Police Station,
Podanur Main Road,
Coimbatore 641 201

...Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining in Na.Ka.No.22355/2020/E1 dated 19.02.2021 passed by the first respondent herein and quash the same and consequently direct the respondents to give police protection as per the order made in WP.No.6078 of 2020 dated 14.07.2020.

For Petitioners : Mr.S.Shivram

For Respondents : Mr.A.Selvendran,
Government Advocate

ORDER

This writ petition is filed to issue a Writ of Certiorarified Mandamus calling for the records pertaining in Na.Ka.No.22355/2020/E1 dated 19.02.2021 passed by the first respondent herein and quash the same and consequently direct the respondents to give police protection as per the order made in WP.No.6078 of 2020 dated 14.07.2020.



2. The case of the petitioners is that the land comprised in SF.No.25/1A1 to an extent of 2.13 acres situated at Maluumbichampatty Village, Coimbatore owned by the petitioners. Out of 2.13 acres, 1.90 acres sold out to third party by the registered sale deed dated 12.07.2005 and remaining extent of 23 cents is lying vacant and it is in their possession and enjoyment. While being so, the first respondent laid road without any acquisition proceedings. Therefore, the petitioners approached this Court in WP.No.16495 of 2018 and this Court disposed of the writ petition by order dated 05.07.2018 and directed the first respondent to take assistance of the jurisdictional Tahsildar and cause inspection and survey the land after notice to the petitioners. Further observed that depending upon the result of the inspection and survey, the first respondent shall take appropriate action in accordance with law. Report dated 17.09.2018 revealed that the public road has been laid in the private land owned by the petitioners. Therefore, again the petitioners filed writ petition before this Court in WP.No.6078 of 2020 for direction to give police protection to fence the petitioners' patta land and this Court by order dated 14.07.2020, directed the petitioners to submit representation to the first respondent and directed the first respondent to consider the same and pass orders. In pursuant to the order passed by this Court, the first respondent passed the order impugned in this writ petition, thereby conducted detailed enquiry and awarded compensation for the land which was taken over for laying road admeasuring 22 cents belong to the petitioner at Rs.1,04,167/- with interest at the rate of 15%.

3. The learned counsel for the petitioner would submit that the petitioners were not given any opportunity of hearing before passing the order by the first respondent herein.

4. On perusal of the order impugned in this writ petition, revealed that on receipt of the report from the Block Development Officer, Madhukarai and also the report received from the Tahsildar, Madhukarai, the first respondent determined the value of the subject property at Rs.1,04,167/- per acre and awarded compensation with interest at the rate of 15%. However, on perusal of the impugned order also revealed that the petitioners were not given any opportunity of hearing before determining the value of the property. It amounts to clear violation of principles of natural justice. On this ground alone, the impugned order is liable to be set aside.

5. Accordingly, the impugned order dated 19.02.2021 is set aside and the writ petition is allowed. The enquiry is remitted back to the first respondent for fresh disposal. It is made clear that the Block Development Officer, Madhukarai is directed



to pay the compensation as determined by the first respondent directly to the petitioners within a period of six weeks from the date of receipt of copy of this order. The first respondent is directed to issue notice to the petitioners and the revenue officials to redetermine the value of the land for compensation within a period of two weeks from the date of receipt of copy of this order. Thereafter, the first respondent is directed to pass orders on redetermination of compensation for the subject land after giving them opportunity of hearing on merits within a period of twelve weeks thereafter. Consequently, connected miscellaneous petitions are closed. No order as to costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Coimbatore District Collector Office,
State Bank Road, Gopalapuram,
Coimbatore 641 018.
2. The Inspector of Police,
Chettipalayam Police Station,
Podanur Main Road,
Coimbatore 641 201.
3. The Block Development Officer,
Madhukarai.

+1CC to Mr.Government Pleader, Sr.No.57628

WP.No.23698 of 2021

RGN (CO)
K.RK. (24.11.2021)