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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2021

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THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN

WP.No.25796 of 2021

S.R.Palanisamy

...Petitioner

Vs

1.The District Collector,
Ariyalur,
Ariyalur District.

2.The Revenue Divisional Officer,
Udayarpalayam Taluk,
Ariyalur District.

3.Competent Authority and
Special District Revenue Officer,
(Land Acquisition),
National Highways - 45,
Ariyalur District.

4.The Tahsildhar,
Udayarpalayam Taluk,
Ariyalur District

...Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 and 3 to pay the remaining compensation amount of Rs.15,47,885/- together with accrued interest thereon for the petitioner's acquired land comprised in S.No.329/12 to an extent of 46 sq.m. of Kundaveli Village, Udayarpalayam Taluk, Ariyalur District as per the award proceedings dated 15.02.2018 in the award No.07/2017-2018 in Na.Ka.9962/2012/NH-1.

For Petitioner : Mr.M.R.Jyothimanian
for Mr.K.Balu

For Respondents : Mr.C.Kathiravan,
Special Government Pleader



ORDER

This writ petition is filed for direction directing the respondents 1 and 3 to pay the remaining compensation amount of Rs.15,47,885/- together with accrued interest thereon for the petitioner's acquired land comprised in S.No.329/12 to an extent of 46 sq.m. of Kundaveli Village, Udayarpalayam Taluk, Ariyalur District as per the award proceedings dated 15.02.2018 in the award No.07/2017-2018 in Na.Ka.9962/2012/NH-1.

2. Heard, Mr.M.R.Jyothimanian, the learned counsel for the petitioner, and Mr.C.Kathiravan, learned Special Government Pleader appearing for the respondents.

3. The case of the petitioner is that the petitioner owned land comprised in survey No.329/12 to an extent of 0.00.5 ares, Kundaveli East Revenue Village of Udayarpalayam, Ariyalur District. In view of his continuous and uninterrupted possession and enjoyment of the said property, the revenue authorities assigned the same in favour of the petitioner by invoking the benevolent provision of Section 3 of the Tamilnadu Kudiyiruppu (Conferment of Ownership) Act, 2017 by order dated 02.03.2002. Thereafter the petitioner obtained approval dated 10.08.2007 and constructed house. While being so, in the year 2014 acquired the subject property for the purpose of laying four lane road between Sethiyathope to Cholapuram Section National Highways 45C and fixed compensation amount in the award dated 15.02.2018 at Rs.31,33,703/- by the third respondent. However, the third respondent had deposited only a sum of Rs.15,85,818/- to the petitioner's account as part of award amount and the remaining amount has not been deposited.

4. Therefore, the petitioner made representation before the Project Director, National Highways Authority of India and by its proceedings dated 24.10.2019 directed the third and fourth respondents to pay the remaining award amount. In the meanwhile, the petitioner also made representation before the second respondent. By order dated 28.10.2019, the second respondent, after receipt of reports from the Tahsildar ordered to issue patta and also ordered to reclassify the land as patta land since it was wrongly reclassified as 'tharisu' even after assignment.

5. Considering the above, the first respondent is directed to reclassify the subject land as patta land based on the recommendation of the second respondent within a period of two weeks from the date of receipt of copy of this order. Thereafter, the third respondent is directed to disburse the remaining compensation amount to the petitioner within a period of two weeks thereafter.



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6. With the above directions, this writ petition is disposed of. No order as to costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Collector,
Ariyalur,
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- 4.The Tahsildhar,
Udayarpalayam Taluk,
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+1cc to Mr.K.Balu, Advocate SR. No.64158

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BR (CO)

PR (16/12/2021)