



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WEB COPY

W.P. (MD) No.8090 of 2021
and W.M.P. (MD) Nos.6180 & 6182 of 2021
(Through Video Conference)

N.Sanjeevirajan

...Petitioner

Vs.

1) The District Collector,
Tenkasi District, Tenkasi.

2) The Special District Revenue Officer
(Land Acquisition),
Tamil Nadu Road Development Project II,
Tiruchirapalli.

3) The Divisional Engineer, (Highways),
Tamil Nadu Road Development Project II,
Thoothukudi.

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent in his proceedings in Na.Ka. No.297/2014/A3(SH-39) dated 24.03.2021 received by the petitioner on 05.04.2021 and quash the same and consequently direct the respondents to pay compensation for the acquired property which is a commercial property in which Lakshmi Timbers is running within the time stipulated by this Court.

For Petitioner : Mr.Ananth C.Rajesh

For Respondents : Mr.K.P.Krishnadoss,
Special Government Pleader

O R D E R

This Writ Petition has been filed challenging the proceedings of the second respondent dated 24.03.2021 wherein the matter has been referred to the concerned Civil Court.

2. The case of the petitioner is that the property belonging to the petitioner was acquired by the respondents under the Tamil Nadu Highways Act, 2001. The second respondent determined the compensation and an Award was passed on 06.12.2019. According to the petitioner, the compensation was not properly determined by the



second respondent and hence, a representation was made seeking for proper determination of the compensation. The second respondent on receipt of the same has stood by the compensation that was originally fixed and has referred the matter to the Principal District Judge, Tirunelveli through proceedings dated 29.03.2021. Aggrieved by the same, the present writ petition has been filed before this Court.

3. Heard Mr. Ananth C. Rajesh, learned counsel for the petitioner and Mr. K. P. Krishnadoss learned Special Government Pleader appearing for the respondents.

4. In the considered view of this Court, this Court does not find any grounds to interfere with the impugned proceedings of the second respondent. According to the petitioner, the second respondent has not properly determined the compensation. According to the second respondent, the compensation has been properly determined and since the petitioner is not satisfied with the same, the same matter has been referred to the competent Court. This procedure adopted by the second respondent is in accordance with law and there is no illegality or infirmity which warrants the interference of this Court.

5. It is always left open to the petitioner to work out his remedy before the concerned Court and seek for the enhanced compensation. The concerned Court viz. Principal District Judge, Tirunelveli shall take all efforts to decide on the reference made by the second respondent within a period of six (06) months and pass final orders. Except giving this liberty, no further orders can be passed in this writ petition.

6. This Writ Petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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To:

- 1) The District Collector,
Tenkasi District,
Tenkasi.
- 2) The Special District Revenue Officer
(Land Acquisition),
Tamil Nadu Road Development Project II,
Tiruchirapalli.
- 3) The Divisional Engineer, (Highways),
Tamil Nadu Road Development Project II,
Thoothukudi.

+1 CC to M/s.ANANTH C.RAJESH, Advocate (SR-16637[F] dated
20/04/2021)

+1 CC to M/s.SPL GP (SR-16950[F] dated 21/04/2021)

Order made in
W.P. (MD) No.8090 of 2021

CN(03.05.2021) 3P 6C

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