



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD) No.8041 of 2021

and W.M.P. (MD) No.6139 of 2021

(Through Video Conference)

Jenipan

...Petitioner

Vs.

1) The District Collector,
Tirunelveli District,
Tirunelveli.

2) The Special Deputy Collector,
River Water Linking Project,
Tirunelveli.

3) The Special Tahsildar (land Acquisition),
River Water Linking Project, Unit-VI
Radhapuram at Nanguneri,
Tirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the respondents from carrying on any work in Survey No.621A/2B, Thisaiyanvilai Village, Thisaiyanvilai Taluk, Tirunelveli District till consider the petitioner's representation dated 12.11.2020, pursuant to the order dated 10.12.2020 made in W.P.(MD) No.18134 of 2020.

For Petitioner : Mr.C.Mayilvahana Rajendran

For Respondents : Mr.R.Sureshkumar,
Government Advocate.

O R D E R

This Writ Petition has been filed for the issue of Writ of Mandamus forbearing the respondents from carrying out with any work in the subject property till the representation made by the petitioner on 12.11.2020 is considered in accordance with the order passed by this Court in W.P.(MD) No.18134 of 2020 dated 10.12.2020.

2. When the matter came up for admission on 19.04.2021, the following order was passed:-

"Mr.K.P.Krishnadoss, learned Special Government Pleader takes notice for the respondents.

2. The petitioner already approached this Court and filed W.P.(MD) No.18134 of 2020. The said writ petition was disposed of by this Court by an order dated 10.12.2020 and this Court directed the third



respondent to pass orders on the compensation sought for by the petitioner on or before 30.06.2021. The grievance of the petitioner is that, even without undertaking this exercise, steps are being taken by the respondents to take possession of the property.

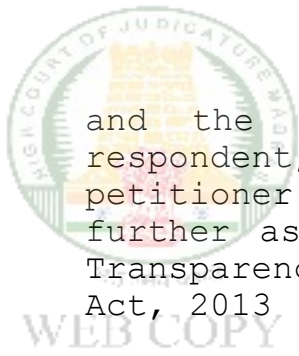
3. A prima facie case has been made out. Post this case under the caption 'for orders' on 01.07.2021. In the meantime, status quo shall be maintained. "

3. When the matter was taken up for hearing today, the learned Government Counsel, by referring to the counter affidavit of the third respondent submitted that the representation made by the petitioner on 12.01.2020 was rejected by proceedings dated 14.06.2021. The learned Government Counsel specifically placed reliance upon paragraphs 5 & 6 of the counter affidavit which are extracted hereunder:-

"5. As regards the grounds raised in para, 6 and 7 it is submitted that the Honourable Madurai Bench of Madras High court in its Judgement WP(MD) No.18134/2020, dated 10.12.2020, directed the third respondent to consider the representation of the petitioner dated 12.11.2020 and to pass appropriate order in accordance with law, after hearing the petitioner and other interested person within a period of six months, preferably on or before 30.06.2021. In pursuance of the judgement, the third respondent conducted proper enquiry on 09.06.2021, by affording interested persons and passed an order in his proceedings ROC.A20/2019 opportunity to the petitioner and other dated 14.06.2021, rejecting the claim of the petitioner. The orders of the third respondent is strictly in accordance with the provisions of the land Acquisition Act. Hence this Contention deserves no consideration.

6) Regarding the contention raised in para 8 and 9, it is submitted that an extent of 0.05.20 Hectare out of 0.13.00 Hectare in Survey No.621A/2B of Thisayanvilai Village, is acquired under the provisions of the Land Acquisition Act. The Preliminary notification U/S 11(1) of the RFCTLARR Act 2013 was published in the TNGG dated 15.10.2020. After completing survey work the Draft Declaration in form 6 u/s 16 of the RFCTLARR Act 2013 sent to the first respondent for approval and publication in the TNGG. There is no variation in the extent acquired in Survey No.621A/2B of Thisayanvilai Village. Hence this contention carries no force and liable for rejection."

<https://hcservices.courts.gov.in/hcservices/> 4. Recording the submissions of the learned Government Counsel



and the stand taken in the counter affidavit by the third respondent, it is clear that the representation made by the petitioner has been rejected and the respondents are proceeding further as per the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013

5. In view of this development, no further orders can be passed in this Writ Petition. Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected W.M.P.(MD) No.6139 of 2021 is closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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.*

To:

- 1) The District Collector,
Tirunelveli District,
Tirunelveli.
- 2) The Special Deputy Collector,
River Water Linking Project,
Tirunelveli.
- 3) The Special Tahsildar (land Acquisition),
River Water Linking Project, Unit-VI
Radhapuram at Nanguneri,
Tirunelveli.

+1 CC to M/s.SPL GP (SR-21931[F] dated 09/07/2021)

W.P. (MD) No.8041 of 2021

08.07.2021

(CO)

RD(16.07.2021) 3P 5C