



W.P.No.24022 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.24022 of 2022
and W.M.P.No.22987 of 2022

S.Tamilselvan

... Petitioner

Vs.

1.The Collector,
Kanchipuram District,
Tiruvannamalai – Kanchipuram Road,
Thaiyar Kullam,
Kancheepuram – 631 501.

2.The Special Tahsildar (LA),
Mannur Valarapuram Nemili Scheme,
SIPCOT Project Office,
Irungattukottai – 602 117.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus, calling for the records relating to Proceedings of the 2nd respondent in Letter Na.Ka.No.9 of 2022/AA dated 29.03.2022 and quash the same and consequently, direct the respondents to pay the sum of Rs.58,19,722/- being the amounts wrongfully withheld and interest for delayed payment together with interest @ 15% per annum to the petitioner.



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For Petitioner : Mr.C.P.Prasanth Gopal

For Respondents : Mr.D.Ravichander
Special Government Pleader

ORDER

This petition has been filed to call for the records relating to Proceedings of the 2nd respondent in Letter Na.Ka.No.9 of 2022 dated 29.03.2022 and quash the same and consequently, direct the respondents to pay the sum of Rs.58,19,722/- being the amounts wrongfully withheld and interest for delayed payment together with interest @ 15% per annum to the petitioner.

2. The learned counsel for the petitioner would submit that the petitioner is the owner of the land to an extent of 4800 Sq. ft comprised in Survey No.516/1A situated at Mannur Village, Sriperumbudur Taluk. The said land was acquired by the Government under the provisions of the Tamil Nadu Acquisition of Land for Industrial Purpose Act, 1997 (TN Act 10 of 1999) vide Notification in G.O (MS) No.96, Industries (SIPCOT-LA) dated 21.04.2015. While so, the second respondent acquired the said land for the purpose of laying State Highways and arrived compensation at



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Rs.1,25,06,661/- including the interest and the same has been released by the said DRO, Sriperumbudur. During 3(2) enquiry, the referring authority had withheld 33.33% of the sum of Rs.58,19,722/- without any authority. Challenging the same, the present writ petition has been filed.

3. This Court by an order dated 08.09.2022 issued direction to the second respondent herein to appear before this Court as to how he can withhold the amount of Rs.58,19,722/-. Pursuant to which the second respondent, appeared before this Court and stated that the said amount was withheld as per the circular dated 23.05.2022. However, the learned Special Government Pleader, on instructions, would submit that there is no provision available under the State Highways Act or under the Land Acquisition Act to withhold the amount awarded by the Land Acquisition Officer.

4. The facts of the case is not in dispute. The said land was acquired for State Highways however, after passing of the award, 33.33% was withheld for development charges. Further, for deducting the development charges from the award amount, no provision is available under the Tamil



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Nadu State Highways Act or the right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013. In the absence of any provision, based on a circular, deducting the amount is not sustainable. Further, the circular cannot override the Act. Hence, the act of the Land Acquisition Officer is illegal and the same is not sustainable.

5. In view of the above, this Court is inclined to direct the respondents to release the balance of the award amount to the petitioner within a period of four weeks from the date of receipt of a copy of this order and the petitioner is at liberty to make an application before the authority for referring the matter for enhancement, if he is so advised.

6. Accordingly, the writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

15.09.2022

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Index: Yes/ No

Speaking / Non-Speaking



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M.DHANDAPANI,J.

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