



WEB COPY



W.P. No. 25189 of 2022

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2022

CORAM

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.25189 of 2022

K.Subramaniyan

.. Petitioner

Versus

- 1 The Government of TamilNadu
Secretary,
Highways Department,
Secretariat, Chennai.
- 2 The Special District Revenue Officer,
(Land Acquisition)
Tamil Nadu Road Development Project-II,
Salem.

..Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing the respondents to pay market value of compensation for the house and land measuring 295 sq.ft in S.F. No. 190/26B and also for the compensation for the agricultural well and 4000 sq.ft of petitioners land in S.F. No.196/31 Thandavarayapuram Village as per Right Fair Compensation and Transparency in land acquisition Rehabilitation and Re-settlement Act 2013.

For Petitioner : Mr.S.Muthukrishnan

For Respondents : Mr. Karthik Jaganathan, GA



W.P. No. 25189 of 2022

ORDER

WEB COPY The petitioner has filed this writ petition seeking a direction to the respondents to pay market value of compensation for the house and land measuring 295 sq.ft in S.F. No. 190/26B and also for the compensation for the agricultural well and 4000 sq.ft of petitioners land in S.F. No.196/31 Thandavarayapuram Village as per Right Fair Compensation and Transparency in land acquisition Rehabilitation and Re-settlement Act 2013.

2. The case of the petitioner is that the petitioner is the owner of the property in the Thandavarayapuram Village Punjai in S.F.No.45/18, 124/3, 124/4, 124/5, 124/6, 124/7, 124/8, 124/5 measuring 11 acres 03 cents and in Thandavarayapuram Village Natham S.F.No.79/2 measuring 50 cents of land with well. The above said property was allotted to the petitioner's share on 07.12.1971 in the registered partition deed made between the petitioner and his mother and first wife of the petitioner's father. The above said properties are in possession of the petitioner. That being the factual situation, the respondents promoted a scheme under the Tamil Nadu Road Development Project to widen the State Highways, acquired the petitioners lands in S.F.No.190/26B with an extent of 295 sq. ft. along with Mangalur tiled two houses in acquisition in Thandavarayapuram Village in Attur Taluk, Salem District. Accordingly, the



W.P. No. 25189 of 2022

3rd respondent passed the award for the acquisition of 295 sq.mt. Of the petitioner's land and paid compensation of Rs.23,46,780/- only. Further, the 3rd respondent acquired the agricultural well having length of 18 feet in east and west and 20 feet in north and south and also acquired 4000 sq. ft of the petitioner's land in S.F.No.196/31. The petitioner has submitted all the documents before the 3rd respondent in support of the ownership, possession and enjoyment to award compensation. But the 3rd respondent has not awarded compensation. Therefore, the petitioner made a representation for enhanced compensation and also for non payment of compensation for the agricultural well and 4000 sq.ft. Of land. However, the same was not considered and therefore, the petitioner has filed the present writ petition before this Court.

3. The learned Government Advocate appearing on behalf of the respondents, on instructions, submitted that the land acquisition officer has already deposited the compensation amount in respect of S.F.No.196/26B measuring an extent of 295 sq.ft. And in respect of the well and S.F.No.196/26A, the respondents have already issued under Section 15(2) of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Re-settlement Act, 2013 on 20.09.2022 and compensation will be paid within the stipulated time. Further, the land measuring an extent



W.P. No. 25189 of 2022

of 4000 sq. ft. in S.F.No.196/31 is classified as Government Poromboke land and therefore, the petitioner is not entitled to get compensation in respect of S.F.No.196/31.

4. The learned counsel for the petitioner submitted that the petitioner has inadvertently mentioned the survey number in S.F.No.196/31 instead of S.F.No.196/26B.

5. Heard the learned counsel on either side and perused the materials available on record.

6. Considering the fact that the respondents have deposited the compensation in respect of S.F.No.196/26B and also the learned Government Advocate submitted that the compensation will be paid in respect of S.F.No.196/26A and therefore, no further is necessary in the writ petition.

7. In view of the above, the writ petition is closed. However, liberty is granted to the petitioner to work out his remedy in the manner known to law.

No costs.

26.09.2022



W.P. No. 25189 of 2022

WEB COPY Index : Yes/No

To

- 1 The Government of TamilNadu
Secretary,
Highways Department,
Secretariat, Chennai.
- 2 The Special District Revenue Officer,
(Land Acquisition)
Tamil Nadu Road Development Project-II,
Salem.



WEB COPY



W.P. No. 25189 of 2022

M. DHANDAPANI, J.

rli

W.P. No.25189 of 2022

Dated : 26.09.2022