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W.P.No.25466 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.25466 of 2022

Anatharatchagan

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
represented by its Secretary,
Department of Adi Dravidar Welfare,
Fort St. George, Secretariat,
Chennai – 600 009.
- 2.The District Adi Dravidar Welfare Officer,
Villupuram District – 605 602.
- 3.The District Collector,
Office of the Collectorate Building,
Villupuram District – 605 602.
- 4.The Special Tahsildar,
Adi Dravidar Welfare,
Gingee Taluk,
Villupuram District – 604 202.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 4th respondent to consider and dispose the petitioner's representations dated 05.09.2014 and 16.03.2016 as early as possible.

For Petitioner	: Mr.B.Ramakrishnan
For R1, R2 & R4	: Mrs.C.Sangamithirai, Special Government Pleader
For R3	: Mr.T.K.Saravanan, Government Advocate



W.P.No.25466 of 2022

ORDER

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This Writ Petition has been filed seeking issuance of a Writ of Mandamus to direct the 4th respondent to consider and dispose of the petitioner's representations dated 05.09.2014 and 16.03.2016 as early as possible.

2. The case of the petitioner is that he is the absolute owner of the agricultural lands comprised in Punja Survey Nos.17/7B1 ad-measuring an extent of 0.07.5 Hectares, 17/7C1 ad-measuring an extent of 0.04.5 Hectares, 17/7D1 ad-measuring an extent of 0.04.5 Hectares and 17/7E1 ad-measuring an extent of 0.05.5 Hectares, situated at Irumbuli Village, Gingee Taluk, Villupuram District, which were acquired by the fourth respondent for the purpose of providing house sites to Adi Dravidars under the provisions of Acquisition of Land for Adi Dravidar Welfare Schemes Act 31/78. Pursuant to which, Section 4(1) Notification under the Land Acquisition Act 1894 was issued and further, the award was passed by the fourth respondent in Award No.17 of 1996-97 dated 20.03.1997 vide proceedings Na.Ka.No.689/1994 . However, the compensation amount fixed by the Land Acquisition Officer is very meager. Aggrieved over that, the petitioner preferred an application in CMA No.25/2002 on the file of Additional District Judge (Fast Tract Court



W.P.No.25466 of 2022

No.1), Tindivanan, seeking the relief of enhancement of compensation. The Court below vide judgment and decree dated 30.06.2011 had enhanced the compensation and therefore, the fourth respondent herein had preferred Civil Revision Petition before this Court in C.R.P.(NPD) No.4775 of 2011, seeking to set-aside the judgment and decree dated 30.06.2011 made in CMA No.25 of 2002. Thereafter, this Court has confirmed the value determined by the Civil Court, and accordingly, the said Civil Revision Petition was disposed of. The grievance of the petitioner is that, the land acquired by the fourth respondent is not fit for laying road, and therefore, the petitioner made representations dated 05.09.2014 and 16.03.2016 before the respondents, seeking to change the road position to some other land. However, the said representations were not considered by the respondents, the petitioner filed the present Writ Petition.

3. Though very many grounds have been raised in this Writ Petition, the learned counsel for the petitioner submitted that, it would suffice, if this Court issues a direction to the fourth respondent to consider the petitioner's representations dated 05.09.2014 and 16.03.2016 and pass orders on the same within a particular time frame that to be fixed by this Court.



W.P.No.25466 of 2022

4. Heard the arguments advanced on either sides and perused the materials available on record.

5. The facts of the present case are not in dispute. Admittedly, the petitioner's land was acquired for the purpose of laying road under the Harijan's Welfare Act, and award was also passed by the fourth respondent in Award No.17 of 1996-97 dated 20.03.1997 vide proceedings Na.Ka.No.689/1994. Thereafter, the award amount was enhanced by this Court, based on which, the entire compensation amount was deposited in the Court in the year 2018. On receipt of such amount, the petitioner made representations before the fourth respondent to shift the road position to some other land and to pay compensation under The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) (in short, "Act, 2013"). However, it is to be pointed out that the representations made by the petitioner is misconstrued. Once the compensation was settled in favour of the petitioner, no compensation can be paid in terms of the Act, 2013. Infact, the Right to Fair Compensation Act was extended only under Act 30 of 2013 which came into force on 01.01.2014 but award in the present case was passed as early as in the year 1997 and only for enhancement, the



W.P.No.25466 of 2022

compensation was finally settled in the year 2018. Compensation amount already settled cannot be re-opened by way of seeking relief under the New Act. Further, the prayer of the petitioner is to shift the road position to some other land, for which, the petitioner made representations before the fourth respondent. However, the fourth respondent has no power to consider the petitioner's representations. Hence, the prayer sought for in this Writ Petition is misconstrued and cannot be granted.

6. Accordingly for the reasons aforesaid, the Writ Petition is dismissed. No costs.

22.09.2022

Index : Yes / No
Speaking order: Yes/ No
jd

To

- 1.The Secretary,
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- 2.The District Adi Dravidar Welfare Officer,
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- 3.The District Collector,
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WEB COPY



W.P.No.25466 of 2022

M.DHANDAPANI, J.,
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W.P.No.25466 of 2022

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