

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2022

CORAM

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. NO. 28390 OF 2021
AND W.MP. NOS. 29979 & 29980 OF 2021

A.A.Thangavelu

.. Petitioner

Versus

1. State of Tamil Nadu
Rep. by its Secretary to Government
Highways Department
Fort St.George
Chennai - 600 009
2. The Special District Revenue Officer (LA)
Chennai Kanyakumari Industrial Corridor Project
No.7, Vijayaraghavan Nagar
Jahir Ammapalayam
Salem

.. Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the respondent made in Na.Ka.No.6/2019 A4(SH-86) dated 15.11.2021 and quash the same and consequently direct the 2nd respondent to arrive the value of the standing Red Sanders Trees on the petitioner's land comprised in Survey Nos.70 & 71/1 of Oduvampalayam Village, Thiruchengode Taluk, Namakkal District and pass an award .

For Petitioner : Mr.S.Thirumavalavan

For Respondents : Mr.P.Sathish
Additional Government Pleader

O R D E R

The writ petition has been filed seeking to quash the proceedings in Na.Ka.No.6/2019 A4(SH-86) dated 15.11.2021 by the

first respondent and consequently direct the 2nd respondent to arrive the value of the standing Red Sanders Trees on the petitioner's land comprised in Survey Nos.70 & 71/1 of Oduvampalayam Village, Thiruchengode Taluk, Namakkal District and pass an award .

2. The case of the petitioner is that the petitioner is the owner of the subject property and the same was acquired for the purpose of facilitating industrial development in rural areas and an award was passed. However, the grievance of the petitioner is that the Government has not sanctioned the value of the Red Sanders Trees which is available in the petitioner's land, for which, the petitioner filed a writ petition before this Court in W.P.No.10240/2021, this court vide its order dated 28.04.2021, directed the second respondent to refer the matter to the Institute of Forest Genetic Resources Tree Breeding, Coimbatore for valuation. Pursuant to the order, the second respondent requested the Director, Institute of Forest Genetic and Tree Breeding for submitting a report after verification of the standing trees in the petitioner's land. The above said Institute inspected and fixed the cost as Rs.2,37,142/- towards replacement charges. As such, the second respondent fixed the said amount towards award and rejected the petitioner's claim to fix the value of each standing tree vide proceedings dated 15.11.2021. Challenging the said proceeding, the present petition has been filed before this Court seeking to quash the same and appropriate remedy.

3. The learned counsel for the petitioner submitted that this Court may permit the petitioner to file appropriate petition before the concerned civil court in terms of Section 64 (2)(b) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act.

4. The learned Additional Government Pleader have no objection for the contention raised by the petitioner.

5. Heard, the learned counsel for the petitioner, the learned Additional Government Pleader appearing on behalf of the Government and perused the materials available on record.

6. Considering the facts and circumstances of the case and the limited relief sought for by the petitioner, this Court permits the petitioner to file appropriate petition before the Principal District Judge, Namakkal within a period of two weeks from the date of receipt of a copy of this order. Upon receipt of such petition, the Principal District Judge, Namakkal shall decide the issue on merits and in accordance with law as expeditiously as possible. The period pending before this Court shall be excluded for limitation.

7. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Principal District Judge,
Namakkal.
- 2 The Secretary to Government
State of Tamil Nadu
Highways Department
Fort St.George
Chennai - 600 009.
- 3 The Special District Revenue Officer (LA)
Chennai Kanyakumari Industrial Corridor Project
No.7, Vijayaraghavan Nagar
Jahir Ammapalayam
Salem.

+1cc to Mr.S.Thirumavalavan, Advocate, S.R.No.36388
+1cc to the Government Pleader, S.R.No.36418

WP No. 28390 of 2021

SSD(CO)
PM/21/07/2022