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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.35346 of 2019
and
W.M.P.No.36173 of 2019

K.Srinivasan

... Petitioner

vs.

1.The Principal Secretary,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.

2.The Collector,
Kallakurichi District,
Kallakurichi.

3.The Collector,
Villupuram District,
Villupuram.

4.The Special Thasildar,
Land Acquisition,
Villupuram District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Respondents to consider the allotment of alternative land as preferred by the petitioner in respect of taking over of the land in survey number 398/6A1B in Veerashozhapuram East Village, Kallakurichi Taluk, Kallakurichi District or to pay the compensation by determining the value in accordance of the enactment prescription made in Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.



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For Petitioner : Dr.SK.Saamy

For Respondents : Mr.C.Kathiravan
Special Government Pleader

ORDER

This writ petition has been filed to issue a Writ of Mandamus, directing the respondents to consider the allotment of alternative land as preferred by the petitioner in respect of taking over of the land in survey number 398/6A1B in Veerashozhapuram East Village, Kallakurichi Taluk, Kallakurichi District or to pay the compensation by determining the value in accordance of the enactment prescription made in Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

2. The case of the petitioner is that the petitioner owned land comprised in S.No.398/6A situated at Veerashozhapuram (East) Village, Kallakurichi Taluk, Kallakurichi District. While being so, the Government of Tamil Nadu bifurcated the Villupuram District into Villupuram District and Kallakurichi District. In order to establish the Kallakurichi District, the respondents have chosen the adjacent lands of the petitioner's land to construct the Collectorate of Kallakurichi District. The subject land is the only land to have the access to the Collectorate. Therefore, on private negotiation, the petitioner's land was acquired and access to the Collectorate had been already provided by the respondents. Therefore, the petitioner filed this writ petition for alternative land or to pay the compensation by determining the value of the subject property in accordance with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

3. On perusal of the counter affidavit filed by the 2nd respondent, revealed that the petitioner was called for private negotiation to purchase the subject land. Accordingly, the petitioner attended the District Level Private Negotiation Committee meeting held at Villupuram Collector Office on 16.11.2019. The petitioner is willing to give the subject land for the purpose of pathway to the District Headquarters building. However, he made request to provide alternative land or to pay double the guideline value as compensation for the subject land. Since there is no suitable alternative lands are available and the 2nd respondent is decided to pay appropriate compensation to the petitioner herein. As per the guideline



value for the adjacent land of the subject land and decided to pay a sum of Rs.36,180/- per cent as compensation to the petitioner. As per G.O.Ms.No.281, Revenue and Disaster Management Department, Land Administration Wing, LA-1 (1) Section dated 07.09.2017, the District Level Private Negotiation Committee can negotiate upto 275 percentage of the market value, which is higher and fixed at the rate of Rs.36,180/- per cent which is 270% higher than the present guideline value of Rs.13,400/- per cent of the adjacent land. Accordingly, the petitioner is entitled to get a sum of Rs.16,08,563/- as compensation for the total extent of the land ad-measuring 44.46 cents comprised in S.No.398/6A1B situated at Veerashozhapuram (East) Village, Kallakurichi Taluk, Kallakurichi District.

4. While pending the writ petition, the petitioner also executed sale deed in favour of the 2nd respondent on 19.09.2020. However, the petitioner made request to provide alternative site on returning the entire compensation amount, which was received by the petitioner.

5. In view of the above, the 2nd respondent is directed to consider the request made by the petitioner, after issuance of notice to the petitioner and after giving opportunity of hearing to the petitioner, pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. Consequently, the connected miscellaneous petition is closed. No costs.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

dm
To

1.The Principal Secretary,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.



2.The Collector,
Kallakurichi District,
Kallakurichi.

3.The Collector,
Villupuram District,
Villupuram.

4.The Special Thasildar,
Land Acquisition,
Villupuram District.

+2cc to Dr.S.K.Saamy, Advocate Sr.6594, 6278
+1cc to the Government pleader Sr.6445

W.P.No.35346 of 2019

ajs[col]
srg 23/02/2022