



W.P(MD)No.16106 of 2013

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **30.08.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.16106 of 2013

A.Balakrishnan

... Petitioner

Vs.

1.The Competent Authority (Land and Acquisition
for NH-45) & District Revenue Officer,
Trichirappalli.

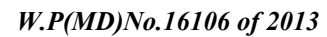
2.The Special Tahsildar (Land and Acquisition
for NH-45),
Collectorate,
Trichirappalli District.

3.The Commissioner,
HR & CE Department,
Nungambakkam,
Chennai.

4.The Assistant Commissioner,
HR & CE Department,
Trichy-2.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 & 2 to forthwith disburse the compensation money of Rs.2,13,014/- determined by them towards acquisition of the petitioner's building to the petitioner together with appropriate interest.



4. The learned Special Government Pleader appearing for the respondents had contended that the land belongs to the Hindu Religious and Charitable Endowments department and the petitioner has put up construction without obtaining prior permission from the Hindu Religious and Charitable Endowments department. Hence, he has not entitled to receive any compensation towards acquisition proceedings.

5. I have carefully considered the submissions made on either side.



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6. The learned counsel for the petitioner had relied upon a judgment of the Hon'ble Supreme Court reported in **2003 (1)CTC 235 (Sharada Devi Vs. State of Bihar and others)**, wherein it has been held that where the Government acquires and the property consist of land and buildings and where the land was the subject matter of the Government, even then the compensation has to be granted for the building to the person in possession of the property.

7. In view of the judgment of the Hon'ble Supreme Court, I hereby direct the third respondent herein to consider the proceedings of the second respondent herein, dated 25.01.2012 addressed to the fourth respondent herein and pass orders within a period of twelve (12) weeks from the date of receipt of a copy of this order.

8. With the above said observations, this Writ Petition stands disposed of. No costs.

30.08.2022

Index : Yes / No
Internet : Yes / No

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To

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- 4.The Assistant Commissioner,
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R.VIJAYAKUMAR ,J.

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Order made in
W.P(MD)No.16106 of 2013

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