



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.04.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.6327 of 2022

K.Theivasubramanian

... Petitioner

/Vs./

1.The District Collector,
Madurai,
Madurai District.

2.The Special Thasildar (Land Acquisition),
Madurai Airport Extention Unit - II,
Old Ramanathapuram-Madurai
Collector Office Building,
Madurai, Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 17.03.2022 and to pass separate Award for 1500 Jasmine Plants situated in Survey No.286/3A, to an extent of 0.29.73 Hectare, at Perungudi Village, Thiruparankundram Taluk, Madurai District, as per the Section 28 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, within a time frame fixed by this Court.

For Petitioner : Mr.J.Jeyakumaran

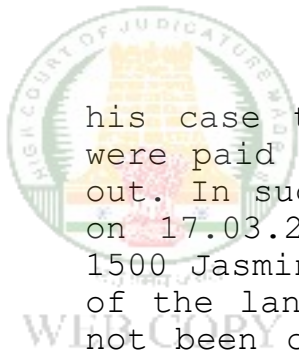
For Respondents : Mr.M.Lingadurai

Special Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to consider the petitioner's representation dated 17.03.2022 seeking compensation for 1500 Jasmine Plants situated in Survey No.286/3A, to an extent of 0.29.73 Hectare, at Perungudi Village, Thiruparankundram Taluk, Madurai District, as per Section 28 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, within a time frame to be fixed by this Court.

2.It is the contention of the petitioner that his land and trees were acquired by the respondents for Airport Extension. According to him, an award has been passed determining the compensation only in respect of the land, but the respondents failed to pay any compensation for the plants acquired from the petitioner. It is also the case of the petitioner that there were 1500 Jasmine Plants situated in his property, which was acquired by the respondents, for which compensation has not been paid. It is also



his case that similarly placed persons whose trees were acquired were paid compensation, but the petitioner was the only person left out. In such circumstances, the petitioner has sent a representation on 17.03.2022 requesting the respondents to pay compensation for 1500 Jasmine Plants, which were available at the time of acquisition of the lands of the petitioner. Since the said representation has not been considered till date, the petitioner has filed this writ petition.

3. Heard Mr.J.Jeyakumaran, learned Counsel for the writ petitioner and Mr.M.Lingadurai, learned Special Government Pleader, who accepts notice on behalf of the respondents.

4. The petitioner has filed documents along with this writ petition to substantiate his case that he is entitled for compensation in respect of 1500 Jasmine Plants. It is for the respondents to consider the same on merits and in accordance with law. The contention of the petitioner is that though in respect of the land, compensation has been determined by passing the award, but in respect of the plants, no compensation has been paid to him.

5. No prejudice would be caused to the respondents, if the petitioner's representation seeking for compensation for 1500 Jasmine Plants, which the petitioner claims that were available at the time of acquisition is considered on merits and in accordance with law, after affording a fair hearing to the petitioner.

6. Accordingly, this Court directs the first respondent to consider the petitioner's representation dated 17.03.2022 seeking for compensation in respect of 1500 Jasmine Plants said to have been acquired along with the land in Survey No.286/3A, to an extent of 0.29.73 Hectare, at Perungudi Village, Thiruparankundram Taluk, Madurai District, as per Section 28 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner, including granting him the right of personal hearing, within a period of six [6] months from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)



To:

1.The District Collector,
Madurai,
Madurai District.

2.The Special Thasildar (Land Acquisition),
Madurai Airport Extention Unit - II,
Old Ramanathapuram-Madurai
Collector Office Building,
Madurai, Madurai District.

+1 CC to M/s.J.JEYAKUMARAN, Advocate (SR-17396[F] dated 08/04/2022)

+1 CC to M/s.SPL.GP (SR-17207[F] dated 07/04/2022)

order made in
W.P.[MD]No.6327 of 2022
06.04.2022

RS(21.04.2022) 3P-5C