



W.P(MD)No.10195 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.10195 of 2019

1.S.Rajeswari

2.K.Anusya

... Petitioners

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The District Revenue Officer,
Virudhunagar District,
Virudhunagar.

3.The Thasildar,
Sivakasi.

4.The Commissioner,
Sivakasi Municipality,
Sivakasi.

... 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 to fix the compensation for the road laid in the respective petitioners' property in plot Nos.10, 11 and 12 in Ward A, Block No.1, T.S.No. 36 at Sivakasi to an extent



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of 3956 sq.ft. as per the market value and consequently disburse the same to the petitioners along with interest, solatium, additional amount and interest as provided under the land Acquisition Act 1894.

For Petitioners : Mr.A.Sivaji

For Respondents : Mr.A.K.Manikkam,
Spl. Government Pleader for R1 to R3.
Mrs.S.Devasena,
Standing Counsel for R4.

ORDER

Heard the learned counsel on either side.

2.It is not in dispute that the petitioners' property was taken over and road laid thereon without getting the petitioners' consent. The respondents have also not invoked the provisions of the Land Acquisition Act, 1894. Therefore, the respondents are obliged to pay appropriate compensation to the petitioners herein. The compensation will have to be determined as per the statutory scheme set out in the Old Act. The petitioners are entitled not only to market value that was prevailing on the date of taking over possession but also interest and solatium. Whatever benefits that may be available to the petitioners will have be disbursed.



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3.I am shocked to hear that even though dispossession had taken place way back in the year 2008, for the last 14 years, the petitioners have not been paid single paisa towards compensation. The learned standing counsel for the fourth respondent produced copy of the communication dated 12.12.2022 addressed by the fourth respondent to the second respondent seeking fixation of the value. The second respondent shall complete the enquiry after hearing the petitioners herein. Based on the valuation made by the second respondent, the fourth respondent shall disburse the compensation amount without any delay thereafter. If the petitioners are aggrieved by the quantum fixed by the second respondent, it is open to the petitioners herein to seek enhancement in the manner known to law. The entire exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

4.The writ petition is allowed accordingly. No costs.

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Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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