



W.P(MD)No.20715 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.20715 of 2022

and

W.M.P.(MD)No.15016 of 2022

Alphonse Rani

... Petitioner

Vs.

The Special Tahsildar (Land Acquisition),
Rivers Inter Linking Project,
Division-5,
Nanguneri,
Tirunelveli District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to forbear the respondent from commencing the work and laying the channel in the petitioners land bearing Survey No.505/6A2, 505/6A6, 509/1 to an extent of 0.23.00 hec, 0.23.00 hec and 007.50 hec respectively situated at Vijayanarayanam Part II Village, Thisayanvilai Taluk, Tirunelveli District under the River Interlinking Scheme of Thamirabarani, Karumeniaru, Nambiyaru till the completion of acquisition work in accordance with Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

For Petitioner : Mr.V.Sasikumar

For Respondent : Mr.N.Ramesh Arumugam
Government Advocate



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ORDER

Heard the learned counsel on either side.

2. The petition mentioned lands had been acquired under the provisions of the Central Act 30 of 2013. As per the statutory scheme of the said Act, without payment of compensation, the land owner cannot be dispossessed.

3. The learned Government Advocate complains that the petitioner is not extending her cooperation. If that be so, it is always open to the authority concerned to determine the compensation payable to the petitioner and deposit the same. Without doing so, the petitioner cannot be dispossessed.

4. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

01.09.2022

Index : Yes / No

Internet : Yes/ No

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To

The Special Tahsildar (Land Acquisition),
Rivers Inter Linking Project,
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G.R.SWAMINATHAN, J.

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