



W.P.(MD).No.22099 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2022

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.22099 of 2022

Seenivasan

... Petitioner

vs.

1.The Commissioner of Land Administration,
Office of the Commissioner of Land Administration,
Chepauk,
Chennai -5.

2.The District Collector,
Madurai District,
Madurai -20.

3.The Deputy Collector cum competent authority,
IOCL,
ETBPNMTPL Pipeline Project,
No.1, Sampakulam Main Road,
K.Pudur,
Madurai 625 007.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the proceedings impugned in OO.Mu.



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28709/2022/B5 dated 06.06.2022 passed by the 2nd respondent and quash the same as illegal and violation of circular dated 16.10.2020, consequently direct the 2nd respondent herein to re-fix the compensation for the petitioner's land bearing S.No.11/3A1 to an extent of 94 cents, situated at Ayalankudi Village, Madurai East Taluk, based on the petitioner's representation dated 18.02.2022 made to the respondents.

For Petitioner : Mr.M.Ganeshkamu
For R1 & R2 : Mr.D.Sadiq Raja
Additional Government Pleader
For R3 : Mr.K.Muraleedharan

ORDER

This writ petition has been filed challenging the proceedings of the second respondent in OO.Mu.28709/2022/B5, dated 06.06.2022 and to quash the same and consequently direct the second respondent to re-fix the compensation for the petitioner's land bearing S.No.11/3A1 to an extent of 94 cents, situated at Ayalankudi Village, Madurai East Taluk, based on the petitioner's representation dated 18.02.2022 made to the respondents.



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2. By consent, the writ petition is taken for final disposal, at the admission stage itself.

3. The case of the petitioner is that his land in S.No.11/3A1 to an extent of 94 cents situated at Ayalankudi Village, Madurai East Taluk, Madurai District has been acquired by the third respondent / IOCL for laying gas pipeline project from Ennore to Tuticorin. The fixation of compensation is not in accordance with the Circular dated 16.10.2020, issued by the first respondent. Hence, the petitioner has made a representation to the second respondent on 18.02.2022, requesting him to recall the fixation of the compensation for his land on communal basis and re-fix the compensation in accordance with the Circular of the first respondent. But the second respondent without re-fixing the compensation for the petitioner's land, directed the third respondent to take necessary action in this regard and to that effect, the second respondent has passed the proceedings in OO.Mu.28709/2022/B5, on 06.06.2022.



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4. The learned counsel appearing for the petitioner would submit that the second respondent is the only authority to fix and re-fix the compensation for acquiring the petitioner's land by the third respondent, whereas the second respondent has passed the impugned order, directing the third respondent to take necessary action in this regard.

5. Heard Mr.D.Sadiq Raja, learned Additional Government Pleader appearing for the respondents 1 and 3 and Mr.K.Muraleedharan, learned counsel appearing for the third respondent.

6. Considering the facts of the case and also taking note of the grievance expressed by the petitioner, this Court is of the view that the impugned order dated 06.06.2022 is liable to be set aside on the ground that the Circular has not been followed by the authorities while fixing the compensation. Accordingly, it is set aside and the competent authority is the District Judge and hence, if the petitioner has any grievance, he has to



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approach the District Judge, Madurai for redressing his grievance.

Accordingly, this Writ Petition is disposed of. No costs.

20.09.2022

Index: Yes/No

Internet: Yes/No

akv

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