



WEB COPY

WP No.17691 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12-09-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.17691 of 2015

And

MP Nos.1, 2 and 3 of 2015

Mr.K.S.Adhikesavlu

... Petitioner

Vs.

1.The District Collector,
Kanchipuram District,
Kanchipuram Town,
Kanchipuram District.

2.The Tahsildar,
Cheyyur Taluk,
Kanchipuram District.

3.The Deputy Superintendent of Police,
Madhurandhagam Range,
Kanchipuram District.

4.The District Collector,
Chengalpattu District,
Chengalpattu.

[R-4 suo motu impleaded vide order of
Court dated 12.09.2023 in WP No.17691
of 2015]

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records of the orders passed by the first respondent dated 18.08.2014 passed in Na.Ka.57701/2005 T-sunami and quash the same, consequentially to direct the first and second respondents to pay the sale consideration as per the prevailing present market value of the writ petition schedule mentioned property under the four registered Sale Deeds dated 29.08.2013 bearing Document Nos.3374/2013, 3375/2013, 4337/2013 and 4338/2013 SRO, Cheyyur in favour of the Government of Tamil Nadu failing which to cancel the above four registered Sale Deeds and restore vacant possession of the writ petition schedule mentioned property to the family of the petitioner.

For Petitioner	: Ms.T.N.Aathaka Juhi for M/s.M.Shreedhar and Associates.
For Respondents	: Mr.R.Ramanlaal, Additional Advocate General-IV Assisted by Mr.T.Arunkumar, Additional Government Pleader.

ORDER

The proceedings of the District Collector dated 18.08.2014, rejecting the claim of the petitioner to determine compensation in respect of the lands occupied by the people during T-Sunami, is under challenge in the



present writ petition.

2. It is not in dispute that the subject property belonged to the petitioner, which was occupied by the victims of T-Sunamni. The Government was not in a position to prevent the occupation of such victims during the relevant point of time and has decided to settle compensation in favour of the land owners. During negotiation, the land owners executed the Sale Deed in favour of the State.

3. The victims occupied the constructed thatched houses and residing there for long years. Therefore, evicting them, at this length of time, will be harsh decision and their livelihood will be seriously affected. Instead adequate compensation may be settled in favour of the writ petitioner by following the procedures.

4. The petitioner, admittedly, had executed the Sale Deed in favour of the State. Thus resumption of land does not arise at all. The High Court cannot determine compensation in such nature of cases and the District Collector or the Committee constituted by the Government for



determining compensation and to take decision under the provisions of the Land Acquisition Act of the year 2013. The petitioner is entitled for the market value of the property along with interest and other benefits as contemplated under the Land Acquisition Act.

5. Though the land was not acquired under the provisions of the New Act, the extraordinary circumstances prevailing warrant that the compensation is to be determined taking note of the market value of the property along with interest and other benefits if any.

6. In view of the facts established, the fourth respondent-District Collector, Chengalpattu is directed to conduct an enquiry by affording opportunity to the writ petitioner and determine the compensation in commensuration with the market value of the property and settle the same, within a period of three months from the date of receipt of a copy of this order.

7. The fourth respondent-District Collector, if necessary, may get the assistance of the Committee or any Expert Body for the purpose of



determining compensation.

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8. In view of the bifurcations of District, the District Collector, Chengalpattu has been sue motu impleaded as the fourth respondent in the present writ petition, who in turn is directed to execute the order.

9. Accordingly, the present writ petition stands allowed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

12-09-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn

To

1. The District Collector,
Kanchipuram District,
Kanchipuram Town,
Kanchipuram District.



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S.M.SUBRAMANIAM, J.

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2.The Tahsildar,
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