



W.A.No.1056 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2023

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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1.The District Collector,
Office of the District Collector,
Coimbatore-641 018.

2.The Tahsildar,
Sulur Tahsildar Office,
Coimbatore District-641 402.

3.The Executive Officer,
Irugur Town Panchayat,
Irugur, Coimbatore-641 103.

.. Appellants

Vs

A.Ponnusamy

.. Respondent

Prayer: Appeal under Clause 15 of the Letters Patent against the order dated 03.11.2020 passed by the learned Single Judge in W.P.No.13934 of 2020.



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For the Appellants : Mr.P.Kumaresan
Addl. Advocate General
assisted by
Dr.S.Suriya
Addl. Government Pleader

For the Respondent : Mr.Ravi Ananthapadmanabhan
Senior Counsel
for Mr.G.Prabhakar

JUDGMENT

(Delivered by the Hon'ble Acting Chief Justice)

The writ appeal is directed against the order dated 3.11.2020 passed by the learned Single Judge in W.P.No.13934 of 2020, whereby the writ petition filed by the respondent herein was allowed.

2. The land of an extent of 11.58 cents comprised in Survey Nos.317/3 and 320/2 situate at Irugur Village, Coimbatore, which belonged to the writ petitioner/respondent herein, was taken over by the third appellant/Executive Officer, Irugur Town Panchayat, and a thar road was laid without acquiring the land in the manner known to law. The respondent sent a representation on 5.2.2020 to the third appellant seeking compensation for the land which was



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converted into thar road. The third appellant, vide proceedings dated 20.2.2020, rejected the request made by the respondent on the ground that the property is being used as a pathway for a long period and, therefore, no compensation is payable to the respondent.

3. Assailing the said proceedings dated 20.2.2020 of the third appellant, the respondent filed W.P.No.13934 of 2020 claiming that he is the absolute owner of the property. In support of his claim, the respondent placed on record before the learned Single Judge the title documents pertaining to the said property and the revenue records issued by the revenue authorities. The learned Single Judge, after going through the documents produced by both the parties, came to the conclusion that there was no justification on the part of the third appellant in rejecting the claim made by the respondent for compensation and, accordingly, while quashing the proceedings dated 20.2.2020, directed the respondent to make a detailed representation to the third appellant seeking compensation and further directed the third respondent to fix the compensation



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amount and pay the same to the respondent within a period of 12 weeks. Aggrieved by the said order, the respondents in the writ petition have filed this appeal.

4. When the writ appeal was taken up for admission, on 14.12.2021, this court recorded the statement of learned Additional Government Pleader, on instructions, that an amount of Rs.2,35,710/- is payable to the respondent and the procedure is being undertaken to make that payment. However, the fact remains that the appellants have till date not paid any compensation to the respondent.

5. Mr.P.Kumaresan, learned Additional Advocate General appearing on behalf of the appellants, would submit that the extent of land that belongs to the respondent over which the road has been laid has to be properly identified and thereafter the quantum of compensation has to be fixed and paid to the respondent.



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6. Mr.Ravi Ananthapadmanabhan, learned Senior Counsel appearing on behalf of the respondent, would submit that the appellants are delaying the fixation of quantum of compensation without any reason and the respondent is entitled to receive compensation at the market value along with interest.

7. We agree with the submission made by learned Additional Advocate General that the land in question that belongs to the respondent has to be identified before fixing the compensation. However, that cannot be the reason for delaying payment of compensation to the respondent, whose land has been converted as road, without acquiring it in the manner known to law. After considering the entire conspectus of the matter, the learned Single Judge has directed the third appellant to fix the compensation amount and pay the same within twelve weeks. We do not find any infirmity or error in the aforesaid order passed by the learned Single Judge.



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8. In such view of the matter, the writ appeal is dismissed.

The third appellant shall based on revenue records identify the extent of land that belongs to the respondent which has been converted into thar road and thereafter fix the compensation taking into account the market value and pay the same to the respondent within four weeks from the date of receipt of a copy of this judgment. The first appellant/District Collector is directed to ensure strict compliance of the aforesaid direction.

There will be no order as to costs. Consequently,
C.M.P.No.6761 of 2021 is closed.

(T.R., ACJ.) (D.B.C., J.)
07.03.2023

Index : No
Neutral Citation : No
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THE HON'BLE ACTING CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

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