



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23-03-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.32619 of 2014

and

MP No.2 of 2014

Sri Rajan Kattalai
Attached to Sri Thiagaraja Swamy Devasthanam
Tiruvarur Represented by its Hereditary Trustee
Dharmapuram Adhinam
Dharmapuram, Mayiladuthurai,
Nagapattinam District.

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Represented by its Secretary,
Tourism Culture and Endowments Department,
Fort St. George,
Chennai-9.
- 2.The Secretary,
Higher Education Department (K-2),
Fort St. George,
Chennai-9.



3.The Commissioner,
Hindu Religious Endowments Department,
Nungambakkam High Road,
Chennai-34.

4.The District Collector,
Tiruvarur.

5.Central University,
Represented by its Registrar,
Central University Campus,
Tiruvarur.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the first respondent in his proceedings G.O (Nilai) No.221 [Tourism Culture and Endowments (A.Ni.3-2) Department dated 10.09.2014 and consequential order of third respondent in his proceedings Na.Ka.No.58170 /2008/R.1 dated 09.10.2014 and quash the same in so far as it is against the petitioner's expected sale price and further direct the third respondent to fix sale price on the basis of conditional consent given by petitioner in his letter dated 05.02.2009 by following the procedure contemplated under Section 34 of Tamil Nadu Hindu Religious and Charitable Endowments Act, in respect of 93.45 acres of petitioner's land in Sakaramangalam hamlet of Nagakudi Village, Nannilam Taluk, Tiruvarur District, which fifth respondent was permitted to occupy pending fixation of sale price by third respondent, in pursuance of his order dated 08.09.2009 in Se.Mu.Na.Ka.No. 68170/2008/R.1 and pay the said sale price with 15% interest from 09.09.2009 to till the date of payment.



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For Petitioner	: Mr.M.Karthikeyan
For Respondents-1, 2 and 4	: Mr.T.Arunkumar, Additional Government Pleader.
For Respondent-3	: Mr.K.Karthikeyan, Government Advocate (HR&CE)
For Respondent-5	: No Appearance

ORDER

The Government Order issued in G.O.Ms.No.221, Tourism Culture and Endowments Department, dated 10.09.2014 and the consequential order passed by the Commissioner, Hindu Religious and Charitable Endowments Department, dated 09.10.2014, are under challenge in the present writ petition.

2. For developing the fifth respondent-Central University at Tiruvarur District, the Government acquired land belongs to the petitioner Sri Rajan Kattalai attached to Sri Thiagaraja Swamy Devasthanam Tiruvarur, Dharmapuram Adhinam, Dharmapuram, Mayiladuthurai,



Nagapattinam District.

3. It is not in dispute that the acquisition proceedings were concluded and the compensation determined was also settled in favour of the petitioner.

4. The learned Additional Government Pleader appearing on behalf of the respondents 1, 2 and 4, brought to the notice of this Court that the compensation determined was Rs.1,76,61,697/- along with interest at the rate of 12% per annum.

5. The learned Government Advocate appearing on behalf of the third respondent made a submission that the petitioner- Sri Rajan Kattalai had already acknowledged the amount of compensation along with interest was settled by the Government.

6. The learned counsel appearing on behalf of the petitioner states that the writ petition is filed seeking enhancement of compensation. An elaborate adjudication with reference to the disputed facts at this



circumstance cannot be entertained by the Writ Court under Article 226 of the Constitution of India.

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7. If at all the compensation determined by the Government is inadequate, the petitioner is at liberty to approach the Government, seeking enhancement of compensation with justifiable grounds, if any and in the event of submitting any such appeal for enhancement of compensation or otherwise, the first respondent shall adjudicate the same on merits and in accordance with law and take decision as expeditiously as possible.

8. With the abovesaid liberty, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

23-03-2023

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



To

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Government of Tamil Nadu,
Tourism Culture and Endowments Department,
Fort St. George,
Chennai-9.
2. The Secretary,
Higher Education Department (K-2),
Fort St. George,
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3. The Commissioner,
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Nungambakkam High Road,
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4. The District Collector,
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S.M.SUBRAMANIAM, J.

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