



WA No.1728 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA , CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

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- 1.The District Collector,
Tiruvannamalai District
- 2.The District Revenue Officer cum Sub Collector,
Cheyyar Taluk,
Cheyyar, Tiruvannamalai District.
- 3.The Tahsildar,
Cheyyar Taluk,
Cheyyar, Tiruvannamalai District. : Appellants

versus

- 1.V.Subramaniyan
- 2.The Panchayat President,
Azhividathangi Village,
Cheyyar Taluk,
Tiruvannamalai District. : Respondents

Prayer: Writ appeal filed under Clause 15 of the Letters Patent to set aside the order dated 19.09.2022 in WP No.27388 of 2016.



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For the Appellant : Mr.P.Kumaresan,
Additional Advocate-General,
assisted by Mr.Karthik Jagannath,
Government Advocate

For the Respondents : Mr.D.Saikumaran

JUDGMENT

(Made by the Hon'ble Chief Justice)

Heard Mr.P.Kumaresan, learned Additional Advocate-General, for the appellants and Mr.D.Saikumaran, learned counsel for the first respondent.

2. Learned Additional Advocate-General submits that in fact, the learned Single Judge could not have allowed the Writ Petition. Though assignment was issued in favour of the first respondent in the year 1975, however, the first respondent did not cultivate the land. As per the terms of assignment, he was bound to cultivate the land. He is from another village and does not reside in the same village where the land was assigned. The District Collector, considering this fact had negatived the request of the first respondent for grant of compensation. The road was laid twenty years back.



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3. Learned counsel for the first respondent submits that in a contempt petition filed by the first respondent, the present appellants have undertaken to pay the amount.

4. We have considered the submissions. It is not disputed that the land was assigned to the first respondent in the year 1975. It is also not disputed that after the assignment of the land in favour of the first respondent, road has been laid by the appellants. It is also not disputed that no compensation has been paid to the first respondent for the road laid by the appellants. The only contention of the appellants appears to be that the assignment of land in favour of the first respondent was erroneous and that the first respondent has violated the terms of the assignment. It is not disputed that the said assignment of land in favour of the first respondent has not been revoked till date and the assignment of land stands in the name of the first respondent. Once the land has been assigned to the first respondent, the first respondent cannot be deprived of the land except in accordance with the procedure established by law. The road has been laid on and from the land assigned to the first respondent. The first respondent certainly was entitled for the compensation amount.



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Learned Single Judge of this court while passing the impugned order did not commit any error and has rightly directed the payment of fair compensation.

5. It is submitted that the amount of Rs.1,79,000/- (Rupees One Lakh and Seventy Nine Thousand only) has been valued by the present appellants for payment to the first respondent. The said amount shall be paid to the first respondent within four weeks from today.

6. With these observations and direction, the appeal stands disposed of. There will be no order as to costs. Consequently, CMP No.15269 of 2023 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

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Index : Yes/No
Neutral Citation : Yes/No
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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKEVALU, J.

(tar)

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