



WEB COPY



W.A.No.2313 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

and

THE HONOURABLE MR. JUSTICE P.B. BALAJI

W.A. No.2313 of 2018

A. Jagadesan

Appellant

v

- 1 The District Collector
Collectorate
Sathuvacheri
Vellore 632 009
- 2 The Land Acquisition Officer/Revenue Divisional Officer
Office of the Sub Collector
Tirupattur 635 601
Vellore District
- 3 The Divisional Engineer (H)
NABARD – Rural Roads Division
No.8 Natteri Krishnamachari Street
Vellore 632 001
- 4 The Secretary to Government
Highways & Minor Ports Department
Secretariat
Fort St. George
Chennai 600 009



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The Divisional Engineer (H)
Construction and Maintenance
Vaniyambadi Division
Vellore District

6

The District Collector
Tirupattur

Respondents

(R6 impleaded *suo motu* by order dated
08.03.2023 passed in W.A. No.2313 of 2018.)

Writ Appeal filed under Clause 15 of the Letters Patent challenging
the order dated 20.07.2018 passed in W.P. No.2325 of 2018.

For appellant	Mr. K. Elango
For respondents	Mrs. Geetha Thamaraiselvan Special Government Pleader

JUDGMENT

For the sake of convenience and to avoid verbosity, the parties will be
referred to as per their rank in this writ appeal.

2 The facts in brief leading to the filing of this writ appeal are as
under:

2.1 In 1979, vast extent of lands in Markethiyanur Village,
including the appellant's land, was acquired for the purpose of forming and



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WEB CONTENT

improving road from Matrapalli to Javadu Hills under the Tamil Nadu Tribes Development Scheme.

2.2 Seeking compensation for the acquisition of his land, the appellant addressed a representation dated 22.12.2017 and finding no response thereto, he preferred a writ petition being W.P. No.2325 of 2018, seeking a writ of mandamus directing the respondents 1 to 5 to pay compensation with interest, along with other statutory benefits, till the date of such payment, for his piece of land in S.No.353/1 measuring 0.04.0 hectare in the aforesaid village, in the light of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (Central Act 30/2013), (for brevity “the Amended Act”), based on his aforesaid representation.

2.3 The main ground canvassed in the aforesaid writ petition was that for the said acquisition made, neither award was passed nor compensation was paid to the land owners, including him.



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2.4 The Single Bench, on the short and sole ground of laches, inasmuch as the appellant had addressed the representation seeking compensation nearly after four decades and followed it up by filing the writ petition, dismissed the writ petition *vide* order dated 20.07.2018.

2.5 Calling into question the legality and validity of the aforesaid order dated 20.07.2018 passed by the Single Bench, this writ appeal has been filed.

3 Heard the learned counsel for the parties and perused the materials available on record.

4 According to the learned counsel for the appellant, in the counter affidavit filed before the Single Bench by the second respondent in the month of March 2018, it has been specifically stated that since the Divisional Engineer (Highways), Tribal Welfare Scheme, had already formed the road, proposals were under process to settle the compensation to



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the aggrieved land owners under private negotiation. But, according to the learned counsel, the Single Bench, without considering the said counter affidavit, has dismissed the writ petition. In other words, according to the learned counsel, since it has been admitted in the counter affidavit that the appellant is entitled to compensation, the appellant ought to have been paid compensation under Section 24(2) of the Amended Act.

5 *Per contra*, the learned Special Government Pleader appearing for the respondents submitted that the aforesaid contention of the learned counsel for the petitioner cannot be sustained, since the appellant is not entitled to compensation under Section 24(2) of the Amended Act.

6 During the pendency of this writ appeal, the District Collector, Tirupathur, the sixth respondent herein, was impleaded *suo motu, vide* order dated 08.03.2023.

7 In the affidavit dated 23.03.2023 filed by the sixth respondent, it is clearly stated that the subject lands were acquired for the purpose of



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formation of road, which project got over in 1982 and that the land owners are entitled to receive compensation as per the final rate fixed by the District Level Committee which is Rs.4,30,955/-. It is further stated in the said affidavit that pursuant to the orders passed by this Court, the sixth respondent formed a special committee and convened a public meeting on 21.03.2023 and notice was also sent to all the 158 land owners to participate in the meeting for the purpose of payment of compensation; out of 158 land owners, 71 land owners had died, 60 land owners reside in the area and 18 land owners reside outside the area; however, none turned up for the meeting.

8 In view of the above affidavit dated 23.03.2023 filed by the sixth respondent, we are not inclined to accept the contention of the appellant that he is entitled to compensation under the Amended Act. However, we are of the view that the appellant is entitled to compensation insofar as his share of the acquired land, together with interest at the rate of 6% per annum.



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Accordingly, the sixth respondent is directed to settle the proportionate share of the appellant together with interest at 6% per annum from 11.11.2002 till the date of such payment, within a period of 12 weeks from the date of receipt of a copy of this judgment.

10 As far as the other land owners are concerned, the sixth respondent is directed to settle their proportionate share by strict adherence to the procedure contemplated under the rules and in the event of they having any grievance *qua* the amount of compensation, they are at liberty to agitate the same before the appropriate forum in the manner known to law.

In fine, the order impugned passed by the Single Bench is set aside and this writ appeal is disposed of with the above direction and observation.
Costs made easy.

(D.K.K., J.) (P.B.B., J.)
04.07.2023

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D. KRISHNAKUMAR, J.
and
P.B. BALAJI, J.
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