



WP(MD)No.2067 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **11.10.2023**

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THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

W.P.(MD)No.2067 of 2021

Raaviyathammal

...Petitioner

/Vs./

- 1.The District Collector,
Dindigul District, Dindigul.
- 2.The Authorized Officer/competent Authority,
Special District Revenue Officer
(L.A., NH 785, 785Eand 85 New),
Plot No.171, K.K.Nagar, 6th East,
Madurai-625 020.
- 3.The Deputy General Manager Cum Project Director,
National Highway Authority of India,
(Project Execution Unit), Indra Nagar,
Chennamanaickkenpatty Post,
Dindigul-624 004, Dindigul. District.
- 4.The Deputy Director of Horticulture,
Chennamanaickkenpatty Post,
Dindigul-624 004, Dindigul District.
- 5.The Assistant Director of Horticulture,
Natham, Dindigul District.
- 6.The Special Thasildar (Land Acquisition),
Natham-Thuvarankurichi High Ways,
No.785E, Unit-3, Natham-Senthurai Road,
Opp to Devadoss Kalyanamandapam,
Natham, Dindigul District.

...Respondents



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PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 to 3 and 6th respondent herein to act and implement the revised valuation Statement of Horticultural crops submitted by the 4th respondent herein by enclosing the valuation statement through its letter no.A5/1834/2019 dt 16.3.2020 for the horticultural crops which were lost due to the acquisition of the petitioner's agriculture property bearing Survey no.1009/2 to an extent of 5389 Sq.meter situated at Nadumandalam village, Natham Taluk, Dindigul District, acquired for the purpose of extension of National High Way project of Natham-Thuvarankurichi N.H.No.785E and to disburse the Revised additional compensation to the tune of Rs.68,24,200/- by also awarding solatium as well as additional market value to the petitioner.

For Petitioner : Mr.R.Thangapandian

For Respondents : Ms.S.Jeyapriya

Government Advocate

ORDER

This writ petition has been filed for issuance of writ of mandamus, directing the respondents 1 to 3, to act upon the revised valuation statement submitted by the fourth respondent on 16.03.2020 and consequently, to revise the compensation and pay additional compensation to the petitioner to the tune of Rs.68,24,200/- along with solatium with respect to the subject property that was acquired by the National Highways.



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2. Heard Mr.R.Thangapandian, learned counsel for the petitioner and Ms.S.Jeyapriya, learned Government Advocate for the respondents.

3. The case of the petitioner is that he was the absolute owner of the property measuring an extent of 2 acres 96 cents in S.No.1009/2 in Nadumandalam village, Natham Taluk, Dindigul District. In this property, the petitioner had planted various trees and had also also dug four bore wells and laid drip irrigation. The proceedings were initiated for acquisition of the land by the National Highways Department. Accordingly, it was acquired and the compensation was also fixed. The petitioner made objections and requested the second respondent to reconsider and enhance the compensation, since according to the petitioner, the loss incurred for the trees that were available in the property was not considered at the time of calculating the compensation.

4. On the request made by the petitioner, the second respondent instructed the sixth respondent to conduct an enquiry and to submit a report. The sixth respondent, through letter dated 14.01.2020 instructed the fourth respondent to assess the value of the left out trees. Accordingly, the fourth and fifth respondents inspected the property and submitted a revised assessment



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report dated 30.01.2020. The same was submitted to the sixth respondent through letter dated 04.02.2020 and as per the revised assessment report, the value of the trees was assessed at Rs.68,24,000/-. The grievance of the petitioner is that inspite of the report submitted, the revised additional compensation has not been paid to the petitioner and left with no other option, the present writ petition has been filed before this Court.

5. The learned Government Advocate appearing on behalf of the respondents submitted that the report submitted by the Horticulture Department has been taken into consideration by the second respondent and the second respondent will take a decision on the claim made by the petitioner on the additional compensation within the time frame stipulated by this Court. The learned Government Advocate further submits that the report has already been received by the second respondent from the sixth respondent and hence, sometime is required for taking a final decision on the claim made by the petitioner.

6. Taking into consideration the facts and circumstances of the case and the submission made by the learned Government Advocate, there shall be a direction to the second respondent to consider the report submitted by the fourth



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and sixth respondents and deal with the request made by the petitioner seeking for revised additional compensation and a final decision shall be taken within a period of six weeks from the date of receipt of copy of this order.

7. This writ petition is disposed with the above terms. No costs.

11.10.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
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TO:-

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N.ANAND VENKATESH, J.

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- 5.The Assistant Director of Horticulture,
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Opp to Devadoss Kalyanamandapam,
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Order made in
W.P.(MD)No.2067 of 2021

Dated:
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