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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2023

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)No.1727 of 2023
and
W.M.P.(MD)No.1549 of 2023

Shanmugam

... Petitioner

vs.

1.The District Revenue Officer,
Cauvery-Vaigai-Kundar Link Project,
Pudukottai Collectorate, Pudukottai District.

2.The Special Tahsildar,
Cauvery-Vaigai-Kundar Link Project,
Kulathur Taluk Office, Pudukottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to forbear the first respondent herein carrying excavation work in the petitioner's property in Survey Nos.521/6 and 524/2A measuring an extent of 0.76.00 and 0.03.00 ares situated at Settipatti Village, Uruvakadu, Kulathur Taluk, Pudukkottai District without paying the compensation.



For Petitioner :Mr.M.Rajajan
For Respondents :Mr.N.Muthu Vijayan
Special Government Pleader

ORDER

This Writ Petition has been filed in the nature of a Mandamus primarily seeking compensation for acquisition of land of the petitioner in S.Nos.521/6 and 524/2A measuring an extent of 0.76.00 and 0.03.00 ares respectively at Settipatti Village, Uruvakadu, Kulathur Taluk, Pudukkottai District.

2.Heard Mr.M.Rajaraman, learned Counsel for the petitioner and Mr.N.Muthu Vijayan, learned Special Government Pleader for the respondents.

3.The petitioner appears to be a member of quite a large family. The records originally stood in the name of his mother, Pitchaiammal. After her death, the revenue records were mutated in the name of the petitioner herein, who was her son. She also had other daughters, namely, Parvathy, Chinnaponnu, Kamalam and Saroja. Among them, some of



them have died and some of them are alive.

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4. These are issues which can be testified only on personal examination of the petitioner herein. The compensation has to be paid and it is an issue of division of the compensation among the legal heirs. The respondent may not put this as an obstruction, since this may be a ground to derail the entire project, namely, Kauvery-Vaigai-Gundaru link project. That project can continue.

5. Insofar as the compensation for these lands are concerned, the Tahsildar may issue notice to the petitioner herein/Shanmugam and thereafter, obtain necessary indemnity from him that he receives the compensation more as nominee of the family member with an undertaking to disburse the amount to all the legal heirs, who are entitled for such compensation and that if any legal claims are made, he alone would be answerable for such legal claims. The petitioner may give necessary undertaking and also get no objection from those who are alive among the legal heirs. On coming to a personal satisfaction about the list of persons, who are entitled for compensation, the second respondent



may take a considered decision to disburse the amount to the petitioner.

If it is required, the share of the petitioner and those who are given consent may be apportioned and paid and the balance amount if required may be deposited in the Court for them to take, else paid to the petitioner, if indemnity bond is executed.

6.It is stated by the learned Special Government Pleader that notice under Section 14(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 had also been issued, now a final order would be passed under Section 19 of the Act and the project may proceed further. The entire exercise may be completed within a period six weeks from the date of receipt of a copy of this order.

7.The Writ Petition stands disposed of. No order as to costs.
Consequently, connected miscellaneous petition is closed.

Index :Yes / No
Internet :Yes
NCC : Yes/No
cmr

17.04.2023

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To

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Cauvery-Vaigai-Kundar Link Project,
Pudukottai Collectorate, Pudukottai District.

2.The Special Tahsildar,
Cauvery-Vaigai-Kundar Link Project,
Kulathur Taluk Office, Pudukottai District.



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C.V.KARTHIKEYAN, J.

cmr

Order made in
W.P.(MD)No.1727 of 2023

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