



W.P(MD)No.4582 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 18.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4582 of 2022
and
W.M.P(MD)No.3848 of 2022

1.Veerammal

2.R.Karuppaiah Chellam

... Petitioners

Vs.

1.The District Collector,
Madurai District,
Collectorate Buildings,
Madurai – 625 020.

2.The Special District Revenue Officer,
Land Acquisition (National High Ways),
744A, Madurai Ring Road,
No.5, Baskar Complex,
Second Floor, Besant Road,
Chinna Chokkikulam,
Madurai – 625 002.

3.The Special Tahsildar,
Land Acquisition (National High Ways),



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744A, Madurai Ring Road,
Madurai East Unit I,
E.B.Colony, Surveyor Colony,
K.Pudur, Madurai – 625 007.

4.The Project Director,
National Highways Authority of India,
Office of the Deputy General Manager
cum Project Director,
Plot No.3, Surya Towers, 2nd Floor,
I st East Street, K.K.Nagar,
Madurai – 625 020.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to provide land equal to land acquired along with the fair compensation and consequently direct the respondents to allow fishing rights in Ponds which is situated in Survey No.31, pond at Arumbanur Village, Madurai East Taluk Madurai District and Survey No.21, pond situated at Pirakudi village, situated at Pilluchery Village Velliankundram, Madurai East Taluk, Madurai District.

For Petitioners : Mr.S.Alagarsamy

For Respondents : Mr.C.Satheesh
Government Advocate for R.1 to R.3

Mr.C.Arul Vadivel @ Sekar
Senior Counsel
for M/s.C.Arul Vadivel Associates
for R.4



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ORDER

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Heard the learned counsel appearing for the writ petitioners, the learned Government Advocate appearing for the respondents 1 to 3 and the learned Senior Counsel appearing for the fourth respondent.

2.The writ petitioners are grandmother and grandson. They belong to Scheduled Caste community. Their lands were acquired under the provisions of the National Highways Act, 1956. Contending that the petitioners must be provided equivalent extent of land that was acquired and for recognising their fishing rights, the present writ petition came to be filed.

3.The learned counsel appearing for the petitioners reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to grant relief as prayed for. He drew my attention to Section 41 of the Central Act 30 of 2013 and Clause 2 and 9 of Second Schedule. He also placed emphasis on Section 105(3) of the said Act.

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4.The learned Government Advocate appearing for the respondents 1 to 3 as well as the learned Senior Counsel appearing for the fourth respondent submitted that the petitioners have been adequately and appropriately compensated and that therefore, question of granting further relief does not arise. They pressed for dismissal of the writ petition.

5.I carefully considered the rival contentions and went through the materials on record. Before I take up the issue raised by the petitioners for consideration, I wanted to know if compensation had been paid to the petitioners herein. The learned counsel appearing for the petitioners initially submitted that the petitioners have not received anything. He also pointed out that when it comes to Scheduled Caste, 1/3rd of the compensation should be paid at the very initial stage itself and the balance amount should be paid at the time of taking possession.

6.The learned Government Advocate submitted that a sum of Rs.92,89,814/- (Rupees Ninety Two Lakhs Eighty Nine Thousand Eight Hundred and Fourteen only) was remitted in the account of the first



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petitioner and a sum of Rs.26,32,216/- (Rupees Twenty Six Thousand Thirty Two Thousand Two Hundred and Sixteen only) was deposited in the account of the second petitioner. The award amount was said to have been deposited on 10.05.2023. I wanted to know the date of service of the award copy on the petitioners herein and proof of such service. Definite answer is not forthcoming. In the file passed on to the Court, proof of service is also not available.

7.The second petitioner is directed to approach the office of the second respondent on **22.12.2023** at **11.00 a.m.** Copies of the award will be served on the second petitioner. The second petitioner will collect the same on behalf of the first petitioner also. Limitation to file an application under Section 3G(5) will start running from the said date only. The amount already deposited by the authorities in the accounts of the petitioners can be withdrawn by the petitioners without prejudice to their right to seek higher compensation. I make this observation because the learned counsel appearing for the petitioners submitted that while a paltry sum has been awarded in the case of the petitioners, but a very handsome amount has been awarded for the nearby land owners.



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8.As regards the applicability of relevant entries in the Second Schedule, the Central Act 30 of 2013, I must note that the said clauses relied on by the petitioners counsel are applicable only to irrigation / tidal projects. The case on hand pertains to road widening project under the National Highways Act, 1956. Therefore, the question of recognising the petitioners' right to seek land for land or fishing right cannot be accepted. The petitioners are said to have owned 6 acres. 4 ½ acres have already been acquired. Whatever irrigation facility which the petitioners originally had will be maintained. If such rights of the petitioners are breached, it is always open to the petitioners to move this Court for appropriate relief.

9.This writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

18.12.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

Note: Issue order copy on 19.12.2023.

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G.R.SWAMINATHAN, J.

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