



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 14.06.2023

CORAM

THE HONOURABLE Ms.JUSTICE **P.T.ASHA**

W.P. (MD) No.5121 of 2020

and

W.M.P. (MD) Nos.4468 and 5179 of 2020

A.Sundaraj

... Petitioner

/vs./

1.The Collector,
Kanyakumari District,
Nagercoil.

2.The District Revenue Officer,
Land Acquisition National Highways,
Observatory Street,
Nagercoil.

3.The Project Director cum DGM (Tech),
No.314E, K.P.Road,
Near Ayappan Kovil,
Parvathipuram,
Nagercoil 629 003,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for all records pertaining to the passing of the order dated 20.02.2020 on the file of the 1st respondent in proceedings Na.Ka.Vu2/17304/2019 and quash the same and consequently direct the 1st respondent to pay Rs.10,00,000/- as compensation for the tomb, by applying the provision Section 28, 31 and 38 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act,2013(Central Act 30 of 2013) and pay the revised compensation together with interest and other benefits to the petitioner and to order for relocating the tomb in a place to be allotted to the petitioner.

For Petitioner	:	Mr.G.Justin
For R1 & R2	:	Mr.J.John Rajadurai Government Advocate
For R3	:	Mr.SU.Srinivasan

**ORDER**

The above writ petition is filed for the following relief:-

"Writ of Certiorarified Mandamus, calling for all records pertaining to the passing of the order dated 20.02.2020 on the file of the 1st respondent in proceedings Na.Ka.Vu2/17304/2019 and quash the same and consequently direct the 1st respondent to pay Rs.10,00,000/- as compensation for the tomb, by applying the provision Section 28, 31 and 38 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) and pay the revised compensation together with interest and other benefits to the petitioner and to order for relocating the tomb in a place to be allotted to the petitioner."

2. By order dated 06.06.2023, this Court had passed the following order:-

"The petitioner has identified a location in S.Nos.841 and 391 of Valvachagoshtam, Kalkulam Taluk, Kanniyakumari District.

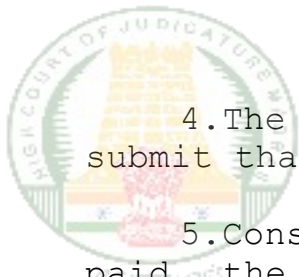
2. The jurisdictional Tahsildar is directed to verify the feasibility of transferring bodies to these lands, since the lands that have now been identified by the petitioner are also Government poramboke lands.

3. The second portion of the prayer is for a compensation of Rs.10,00,000/- for the tomb.

4. It is informed by the learned Government Advocate that compensation has been paid for this area as well.

5. Post the matter on 14.06.2023."

3. Today, when the matter had come up, the learned Government Advocate for the respondents 1 and 2 would submit that the petitioner has selected portion of S.No.829 to remove and rebury the corpses. He fairly gives up the later part of the relief with reference to the payment of compensation. As regards the issue of shifting the grave, the learned Government Advocate would submit that an alternate site has been located in S.No.829/1, Valvachangoshtam B Village, Kalkulam Taluk, Kanyakumari District, which is one of the lands that has been suggested by the petitioner. The second respondent shall endeavor to shift the grave within a period of six weeks from the date of receipt of a copy of this order.



4.The learned counsel appearing for the third respondent submit that they would cooperate in the entire exercise.

5.Considering the fact that the compensation has already been paid, the second part of the relief claimed cannot be granted. Accordingly, the Writ Petition is disposed of. It is needless to state that the Superintendent of Police, Kanyakumari District is directed to give sufficient protection for the officials, who would be involved in this process as and when requested by the second respondent/the District Revenue Officer, Land Acquisition National Highways, Observatory Street, Nagercoil. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(AD II)

// True Copy //

/07/2023

Sub Assistant Registrar(CS)

mm

To

1.The Collector,
Kanyakumari District,
Nagercoil.

2.The District Revenue Officer,
Land Acquisition National Highways,
Observatory Street,
Nagercoil.

3 The Superintendent of Police, Kanyakumari District.

+1 CC to M/s.SU.SRINIVASAN, Advocate (SR-28030[F] dated 14/06/2023)

+3 CC to M/s.G.JUSTIN, Advocate (SR-28041[F] dated 14/06/2023)

W.P. (MD) No.5121 of 2020
14.06.2023

MK/11.07.2023 3P 8C