



W.P.(MD)Nos.5559 and 28458 of 2022, W.P.(MD)No.2701 of 2021 and
Cont.P.(MD)No.1729 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)Nos.5559 of 2022 and
W.M.P.(MD)No.4497 of 2022

and

W.P.(MD)No.28458 of 2022

and

W.P.(MD)No.2701 of 2021 and

W.M.P.(MD)Nos.2223 and 2224 of 2021

and

Cont.P.(MD)No.1729 of 2022

W.P.(MD)No.5559 of 2022

R.Manohar

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Represented through its Secretary,
Department of Revenue and Disaster Management,
Fort St. George,
Chennai - 600 009.

2.The Government of Tamil Nau,
Represented through its Secretary,
Industries Department,
Fort St. George,
Chennai - 600 009.

3.The District Collector,
Virudhuanagar District,
Virudhunagar.



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4.The District Revenue Officer / Land Acquisition Officer,
Collectorate Complex,
Virudhunagar District,
Virudhunagar.

5.The Southern Railway,
Represented through its General Manager,
Chennai.

6.M/s.Rail Vikas Nigam Limited,
represented by its Deputy General Manager,
Mezzanine Floor,
Thirumylai Railway Station Complex,
Mylapore,
Chennai - 600 004.

... Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents 1 to 4 from issuing any fresh notification for withdrawal of the portion of the property from the proposed acquisition as per the original notification dated 19.12.2018 in Na.Ka.No.D1/27684/2016 issued by the 4th respondent, at the instance of the 5th and 6th respondents as the possession of the property was already taken illegally and the construction work is at the completion stage.

For Petitioner	: Mr.R.Aravindan
For R1 to R4	: Mr.M.Lingadurai Special Government Pleader
For R5 and R6	: Mr.A.Haja Mohideen Standing Counsel



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WEB CO **W.P.(MD)No.28458 of 2022**

R.Manohar

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The District Revenue Officer / Land Acquisition Officer,
Collectorate Complex,
Virudhunagar District,
Virudhunagar.

3.The Southern Railway,
Represented through its General Manager,
Chennai.

4.M/s.Rail Vikas Niga Limited,
represented by its Deputy General Manager,
Mezzanine Floor,
Thirumylai Railway Station Complex,
Mylapore,
Chennai - 600 004.

... Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to determine the compensation amount payable for the petitioner's land with a total extent of (nearly) 15209 sq.ft.s comprising in Sattur village, Sattur Taluk and Town, Ward E, Block 1, T.S.No.3/1, 3/2, 18/1, 19/1 & 19/2 in terms of the entitlement matrix prescribed under LLRR Act, 2013, as approved by the Railway Board, Government of India and pay the same with all other benefits and with interest at the rate of 18% from the date



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of acquisition notification, till the date of payment, within the time limit
as fixed by this Court.

For Petitioner : Mr.R.Aravindan
For R1 & R2 : Mr.A.K.Manikkam
Special Government Pleader
For R3 and R4 : Mr.A.Haja Mohideen
Standing Counsel

W.P.(MD)No.2701 of 2021

R.Manohar

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Represented through its Secretary,
Department of Revenue and Disaster Management,
Fort St. George, Chennai - 600 009.
- 2.The Government of Tamil Nau,
Represented through its Secretary,
Industries Department,
Fort St. George,
Chennai - 600 009.
- 3.The District Collector,
Virudhuanagar District,
Virudhunagar.
- 4.The District Revenue Officer / Land Acquisition Officer,
Collectorate Complex,
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Virudhunagar.



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5.The Southern Railway,
Represented through its General Manager,
Chennai.

6.The Chief Project Manager /
Co-ordination, Rail Vikas Nigam Limited,
Mezzanine Floor,
Thirumayilai Railway Station,
Mylapore,
Chennai - 600 004.

(R6 is impleaded vide Court Order
dated 12.08.2022)

... Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings initiated by the 4th respondent through notices (5 in Number) dated 19.12.2018 in Na.Ka.No.D1/27684/2016 and quash the same on the ground of want of jurisdiction and violative of Article 300(A) of the Constitution of India and consequently directing the respondents to drop all further proceedings pertaining to the land acquisition proceedings impugned in the writ petition.

For Petitioner	: Mr.R.Aravindan
For R1 to R4	: Mr.M.Lingadurai Special Government Pleader
For R5 and R6	: Mr.A.Haja Mohideen Standing Counsel



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WEB C **Cont.P.(MD)No.1729 of 2022**

R.Manohar

... Petitioner

Vs.

1.J.Meghanatha Reddy, I.A.S.,
District Collector,
Virudhunagar District,
Virudhunagar.

2.J.Ravi Kumar
The District Revenue Officer / Land Acquisition Officer,
Collectorate Complex,
Virudhunagar District,
Virudhunagar.

3.B.G.Mallya,
General Manager and Additional General Manager,
Southern Railway, Chennai.

4.B.Kamalakra Reddy,
Chief Project Manager / Co-ordination,
M/s.Rail Vikas Niga Limited,
Mezzanine Floor,
Thirumylai Railway Station Complex,
Mylapore, Chennai - 600 004.

... Respondents

PRAYER: Contempt petition is filed under Section 11 of the Contempt of Courts Act, 1971 (70 of 1971) to punish the Contemnors / respondents under Section 11 of Contempt of Courts Act, 1971 for wilfull disobeying and defying the order dated 15.02.2021 passed in W.M.P.(MD)No.2223 of 2021 in W.P.(MD)No.2701 of 2021, on the file of this Court in accordance with law.



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For Petitioner : Mr.R.Aravindan
For R1 & R2 : Mr.M.Lingadurai
Special Government Pleader
For R3 and R4 : Mr.A.Haja Mohideen
Standing Counsel

* * *

ORDER

Heard the learned counsel on either side.

2.The petitioner in the three writ petitions is one and the same. The petitioner's family owns 4 acres and 14 cents of land in the petition mentioned survey number. The Railways wanted the said land for implementing Madurai-Thoothukudi doubling project. The Railways wrote to the revenue department for acquiring the petition-mentioned lands. The Government of Tamil Nadu issued notification under Section 3(2) of the Tamil Nadu Land Acquisition (Industrial Purpose) Act, 1997. Questioning the same, the petitioner filed W.P.(MD)No.2701 of 2021.

3.It is relevant to note here that the notice under Section 3(2) was issued as early as on 19.12.2018. The petitioner approached this Court only in February, 2021. The fact remains that the final declaration



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under Section 3(1) of the Act was never issued. Even before issuance of such declaration, the Railways had taken over possession of the land on 01.08.2018 and also completed the project by January -2021. Thereafter, the petitioner filed W.P.(MD)No.28458 of 2022, seeking payment of compensation. In the meanwhile, the Railways came to the conclusion that they are not in need of the entire 4 acres and 14 cents. According to them, two acres out of the originally proposed extent is not required. Since the petitioner apprehended that withdrawal notification may be issued, to forbear the authorities from doing so, the petitioner filed W.P. (MD)No.5559 of 2022.

4. The learned counsel appearing for the petitioner took me through the contents set out in the affidavit filed in support of the petitions and called upon this Court to grant appropriate relief. The Revenue Department as well as the Railways have filed independent counter affidavits. The Revenue Department had completely washed their hands off. They stated that they have not taken any further step after issuance of notice under Section 3(2) of the Act.

5.I note with surprise that even without formally taking over



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the land in the manner known to law, possession was taken and the project was also completed. However, I consciously refrain from making any adverse comment because the project is only for larger public interest. However, the petitioner's constitutional right under Article 300A will have to be protected and duly addressed. The land owners had already submitted petition for payment of compensation. It is beyond dispute that 2 acres and 14 cents of land have already been acquired. Compensation will have to be paid to the petitioner and other land owners by applying the formula set out in the Central Act 30 of 2013. It is also admitted that possession was taken on 01.08.2018. The liability to pay interest will run from the said date.

6. There is some controversy as regards the remaining 2 acres. The Railways would now take the stand that they no longer require the same and they want it to be deleted from the original proposal. The petitioner on the other hand states that the authorities must acquire the entire 4 acre and 14 cents. It is beyond dispute that the authority cannot be compelled to acquire any piece of land. At the same time, the petitioner will have to be compensated for whatever land that cannot be put to any use. It is stated that three(3) meters from the toe of formation



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- 1.The Secretary, Department of Revenue and Disaster Management,
Fort St. George, Chennai - 600 009.
- 2.The Secretary, Industries Department, Fort St. George,
Chennai - 600 009.
- 3.The District Collector, Virudhuanagar District, Virudhunagar.
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Collectorate Complex, Virudhunagar District, Virudhunagar.
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- 7.The District Collector, Virudhunagar District, Virudhunagar.
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- 10.M/s.Rail Vikas Niga Limited,
represented by its Deputy General Manager,
Mezzanine Floor, Thirumylai Railway Station Complex,
Mylapore, Chennai - 600 004.

G.R.SWAMINATHAN,J.



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