

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.6774 of 2023

and

W.M.P(MD) No.6349 of 2023

Joseph

... Petitioner

Vs.

1.Government of Tamil Nadu
Rep. by its Secretary,
Public Works Department,
Secretariat,
Chennai-9

2.The District Collector
Pudukkottai District,
Pudukkottai.

3.The Executive Engineer
Public Works Department / WRO,
Cauvery-Vaigai..Gundar Link Project,
Pudukkottai.

4.The Special District Revenue Officer (Land Acquisition),
Cauvery-Vaigai..Gundar Link Project,
District Collectorate,
Pudukkottai,
Pudukkottai District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the proceedings of the respondent No.2 in e/f.No. 244/2022/fh/it/F-m2 dated 06.09.2022 and quash the same and consequently directing the respondents to desist from interfering with the petitioner's peaceful possession and enjoyment of the land in Survey Nos.20/6, 20/7 and 20/13 in Maruthur Village, Kulathoor Taluk, Pudukkottai District, except under the due process of law more particularly as provided under the Right of Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013 (Act 30 of 2013) and Rules.

For Petitioner : Mr.B.N.Raja Mohamed,
for Mr.V.Kannan

For Respondents : Mr.N.Muthu Vijayan
Special Government Pleader

ORDER

The writ petition has been filed in the nature of a Certiorarified Mandamus seeking records of the second respondent /

District Collector, Pudukottai District, in ந.க.No.244/2022/கா.வெ.கு/அ2 dated 06.09.2022 and direct the respondents from interfering with the peaceful possession of the petitioner's enjoyment of the lands in Survey Nos.20/6, 20/7 and 20/13 in Maruthur Village, Kulathoor Taluk, Pudukottai District. The petitioner seeks that due process under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 should be followed.

2. The lands of the petitioner have been acquired by the respondents for Cauvery - Vaigai - Gundar Linkage Scheme and this Scheme goes for a length of 118 kms. The petitioner had given a representation that his land should not be acquired, but adjacent lands should be acquired after making a deviation from the existing plan.

3. This Court cannot give any such direction. It is for the Engineers, who are experts in that particular area to take a decision about how the schemes should be proceeded with and what are the lands to be acquired. At the most the petitioner can only seek compensation for the lands which are acquired. I am confident that the compensation will be

duly paid provided the petitioner establishes that the lands are his and that he is eligible to receive compensation. The petitioner cannot put spokes on the ongoing scheme which is in public interest. Private interest cannot override public interest and particularly, when acquisition is done for a stretch of 118 kms., the petitioner alone cannot put an obstruction for such acquisition.

4. Accordingly, the Writ petition stands dismissed. A direction however, is given, that if compensation is determined, the petitioner's representation for compensation should also be considered, provided of-course the petitioner establishes title to the land, which are acquired. No costs. Consequently, connected miscellaneous petition is closed.

29.03.2023

Index :Yes/No
Internet :Yes/No
NCC : Yes / No
rm

To

1. Government of Tamil Nadu
Rep. by its Secretary,
Public Works Department,
Secretariat,
Chennai-9
2. The District Collector
Pudukkottai District,
Pudukkottai.
3. The Executive Engineer
Public Works Department / WRO,
Cauvery-Vaigai..Gundar Link Project,
Pudukkottai.
4. The Special District Revenue Officer (Land Acquisition),
Cauvery-Vaigai..Gundar Link Project,
District Collectorate,
Pudukkottai,
Pudukkottai District.

W.P(MD)No.6774 of 2023

C.V.KARTHIKEYAN, J.

rm

W.P(MD)No.6774 of 2023

29.03.2023