



W.P(MD)No.7438 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2023

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.7438 of 2023

and

W.M.P(MD).No.6969 of 2023

1.Ubalt Raj
2.N.Natrayan

... Petitioners

Vs.

1.The Special Tahsilar (Land Acquisition)
Interlinking or Rivers (Unit-6)
Radhapuram at Nanguneri,
Tirunelveli District.

2.Jawanlu

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to consider the representation of the petitioners dated 03.02.2023 and disburse the compensation amount as per the Award No.1/2022 dated 05.07.2022 with respect to the land acquired in S.No.155/6A2 and 155/6B2 at Ilankulam Village, Nanguneri Taluk, Tirunelveli District, within the time fixed by this Court.

For Petitioners	: Mr.H.Arumugam
For R1	: Mr.D.S.Nedunchexhian Government Advocate
For R2	: Mr.P.R.Prithiviraj



W.P(MD)No.7438 of 2023

ORDER

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This writ petition has been filed in the nature of a mandamus seeking a direction to the first respondent, the Special Tahsildar (Land Acquisition), Interlinking of Rivers (Unit-6), Radhapuram at Nanguneri, Tirunelveli District, to consider the representation given by the petitioners on 03.02.2023 and disburse the compensation amount, as per the award No.1/2022, dated 05.07.2022, relating to the land, which had been acquired in S.No.155/6A2 and 155/6B2 at Ilankulam Village, Nanguneri Taluk, Tirunelveli District.

2.A portion of the land had been purchased by the second respondent from the first and second petitioners. Any compensation which is now to be paid by the first respondent consequent to the acquisition, would have to be shared in the apportion of the lands which are retained by the petitioners and sold to the second respondent. In effect in proportion to the lands in possession of the petitioners on the one hand and the second respondent on the other hand. The first respondent was not able to immediately take a decision, since the second respondent was abroad and consent should not be given.

3.An affidavit, though termed as a counter and sworn before the Embassy of India, Riyadh, had been presented by the second respondent.



4.The relevant paragraph Nos.3 and 4 in the said affidavit are extracted below:

“3.I respectfully state that I am residing at Saudi Arabia due to my employment therein and I was not aware of the acquisition proceedings referred in the writ petition. However, I did not object the same as the project was already implemented. But without hearing me in a manner known to law the 1st respondent passed the Land Acquisition Award fixing the compensation and kept the same in their account stating that I did not appear for enquiry. As stated above I never received any notice and totally unaware of the proceeding, however after I came to know the same through the petitioners, I approached the 1st respondent in person on 13.12.2022 and produced the copy of my sale deed and joint patta with a request to disburse the compensation amount to me proportionately in respect of the land acquired from me.

4.I submit that at the time of enquiry I have also given statement in writing requesting the disbursal of compensation amount to me and giving no objection for disbursal of the compensation amount to the co-pattadhars and I have also given my bank account details. The 1st respondent also informed that the compensation amount will be disbursed proportionately to me and the petitioners after getting consent from the petitioners also as there is no dispute between us in respect of our respective title. But the same is not done till date even after expiry of 4 months.”



W.P(MD)No.7438 of 2023

5.It is thus seen that both the petitioners and the second respondent have expressed their consent to receive the compensation amount and it is only the ratio, in which, it has to be paid that has to be determined. That aspect can be decided by the authorities depending on the extent of land retained by the petitioners and the extent of land sold to the second respondent. That is only a mathematical calculation. I am confident that it can be done by the second respondent. I hope that there would be no further dispute between the petitioners and the second respondent either with respect to the issue of the award amount or with respect to the title of the property.

6. A direction is given to the first respondent to disburse the amount after conducting due enquiry, within a period of twelve weeks from the date of receipt of a copy of this order.

7.This Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

21.06.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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W.P(MD)No.7438 of 2023

C.V.KARTHIKEYAN, J.

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To
1.The Special Tahsilar (Land Acquisition)
Interlinking or Rivers (Unit-6)
Radhapuram at Nanguneri,
Tirunelveli District.

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