



W.P(MD)Nos.11140 and 11141 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2023

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)Nos.11140 and 11141 of 2023

M.Jesudhasan ... Petitioner in W.P.(MD)No.11140 of 2023

J.Maria Jeyasingh ... Petitioner in W.P.(MD)No.11141 of 2023

Vs.

1.The District Collector,
Kanyakumari District,
Kanyakumari.

2.The Special District Revenue Officer,
Land Acquisition and Management unit of Highways Department,
Nagercoil,
Kanyakumari District.

3.The District Revenue Officer,
Nagercoil,
Kanyakumari District.

4.The Thasildhar,
Agastheeswaram Taluk,
Kanyakumari District.

... Respondents in both Writ Petitions

Common 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 respondent to dispose the application dated 29.09.2022 filed by the



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petitioner under section 18 of Land Acquisition Act, 2013 within the time that may be stipulated by this Court.

For Petitioner : M/s.R. Geethanjali

For R1 to R4 : Mr.D.S.Nedunchezian
Government Advocate

(in both cases)

COMMON ORDER

Both the writ petitions have been filed by a father and son seeking the same relief namely a direction in the nature of mandamus against the first respondent / the District Collector, Kanyakumari District, to dispose of an application dated 29.09.2022, filed by the respective petitioners under Section 18 of the Land Acquisition Act, 2013, within a specified time.

2.In the affidavit filed in support of the writ petition, it had been stated that the property at survey No.50/10, measuring 36 1/2 cents at Therekalputhur Village, Agastheeswaram Taluk, Kanyakumari District, belonged to the petitioner in W.P(MD)No.11140 of 2023 and the property in Survey No.81/2, measuring 39 cents at Therekalputhur Village, Agastheeswaram Taluk, Kanyakumari District, belonged to the petitioner in W.P(MD)No.11141 of 2023.

It had been stated that notice of acquisition had been published in the Gazette



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of India, in the Extraordinary Issue No.668 on 16.03.2016 in order to lay a road NH-47 under the National Highways. It was also published in the Gazette of India, in the Extraordinary Issue No.647 dated 03.03.2017. The land was also acquired and the petitioner in W.P.(MD)No.11140 of 2023 was paid compensation of Rs.9,24,950/- and the petitioner in W.P.(MD)No.11141 of 2023 was paid compensation of Rs.37,98,902/-. Claiming that the compensation had not been determined in accordance with procedure and particularly without examining the sale deed of adjacent lands, an appeal had been presented before the first respondent / District Collector, Kanyakumari District.

3. Heard the learned counsel for the petitioner and also the learned Government Advocate.

4. In view of the fact that applications are pending before the first respondent, it may not be appropriate on my part to enter into a detailed discussion on facts, particularly about the sale deed which the petitioners have stated in their affidavit, which according to them have been overlooked while determining compensation for acquisition of the lands. This is an issue which is entirely under the purview of the first respondent.



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5. A direction is therefore given to the first respondent to dispose of the appeals, after following due procedures as stated by the law. The entire exercise must be completed on or before 31.10.2023.

6. These writ petitions stand allowed. No costs.

19.06.2023

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

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To

- 1.The District Collector, Kanyakumari District, Kanyakumari.
- 2.The Special District Revenue Officer,
Land Acquisition and Management unit of Highways Department,
Nagercoil, Kanyakumari District.
- 3.The District Revenue Officer, Nagercoil, Kanyakumari District.
- 4.The Thasildhar, Agastheeswaram Taluk, Kanyakumari District.



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C.V.KARTHIKEYAN, J.

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