



W.P.(MD).No.11626 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.08.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.11626 of 2021

N.Srinivasan

... Petitioner

Vs.

1.The District Collector,
Tuticorin District,
Tuticorin.

2.The Special Tahsildar,
Adhi Dravidar Welfare,
Ettaiyapuram Road,
Kovilpatti,
Tuticorin District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to take immediate steps to refer the petitioner's application for enhancement of compensation to the competent Tribunal with regard to the lands in S.No.850/3A1 and 850/3A2 to extent of 3.07 acres situated at Nalattinpathur Village, Kovilpatti Taluk within a time frame fixed by this Court.



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For Petitioner : Mr.A.Srinivasan

For Respondents : Mr.A.K.Manikkam,
Special Government Pleader.

ORDER

This Writ Petition is filed for Mandamus, directing the second respondent to take immediate steps to refer the petitioner's application for enhancement of compensation to the competent Tribunal with regard to the lands in S.No. 850/3A1 and 850/3A2 to extent of 3.07 acres situated at Nalattinpuhur Village, Kovilpatti Taluk.

2. The land belongs to the petitioner's family and the respondents had issued acquisition notification under the Land Acquisition Act, 1894 for assignment of free house sites to 70 beneficiaries for the Adi Dravidar Welfare Community. The respondents have fixed the compensation payable at Rs.44.79 per cent, but the market value was Rs.5,000/- per cent. The petitioner challenged the very acquisition proceedings and the said litigation went up to Supreme Court by filing SLP and the SLP was dismissed on 12.12.2009. Immediately, thereafter the petitioner's father through his power agent has submitted an application dated 23.03.2009 for enhancement of compensation.



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3. The respondents objected to the petitioner's claim as barred by limitation. But the petitioner submitted that the very acquisition proceedings was challenged and after the same is dismissed, immediately the claim petition is filed and hence the petition cannot be said as barred by limitation.

4. This Court is of the considered opinion if the litigation from the date of award till the date of SLP is taken into account, for the purpose of limitation, then the present claim of the petitioner has to be taken within the prescribed time limit. Therefore, this Court is of the considered opinion that if the dismissal date of SLP is taken as 12.02.2009, the petitioner has submitted the application for enhancement on 23.03.2009 within a period of 90 days, then the respondents shall consider the petitioner's application 23.03.2009 and pass appropriate orders within a period of twelve (12) weeks from the date of receipt of a copy of this order and the petitioner is at liberty to submit any evidence to substantiate his claim.



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5. In view of the above, this Writ Petition is allowed. There shall be no order as to costs.

02.08.2023

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

To

- 1.The District Collector,
Tuticorin District,
Tuticorin.
- 2.The Special Tahsildar,
Adhi Dravidar Welfare,
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S.SRIMATHY, J.

Nsr

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