



W.P(MD)No.15011 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.06.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.15011 of 2023

P.Karuppasamy

... Petitioner

Vs

1. The District Collector,
Madurai District, Madurai - 20.
2. The Revenue Divisional Officer,
Thirumangalam, Madurai District,
Madurai.
3. The Divisional Engineer (Highways),
NABARD Village Road, Madurai.
4. The Tahsildar,
Tiruparankundram Taluk, Tirunagar,
Madurai.
5. The Assistant Divisional Engineer (Highways),
NABARD Village Road, Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the notice issued by the fifth respondent in Na.ga.No.1Ni.Aa./2022-23/Vu/Vu, dated 19.04.2023 quash the same and



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direct the second respondent to fix the compensation and distribute the same to the petitioner before the land acquisition.

For Petitioner : Mr.R.Ramasamy

For R1 to R5 : Mr.N.Muthu Vijayan
Special Government Pleader

ORDER

The writ petition has been filed in the nature of Certiorarified Mandamus, seeking records relating to the notice issued by the fifth respondent/ Assistant Divisional Engineer (Highways), NABARD Village Road, Madurai in Na.ga.No.1Ni.Aa./2022-23/Vu/Vu, dated 19.04.2023 and direct the second respondent to fix the compensation and distribute the same to the petitioner before the land acquisition.

2.The primary relief sought by the petitioner is that the compensation for acquisition of lands has to be determined and paid to the petitioner. The respondents have a commitment to pay compensation to the petitioner. When there is a meeting of minds between the petitioner in receiving the compensation and a corresponding acceptance of commitment by the respondents to pay additional compensation to the petitioner in another point, I do not find any cause to file this writ petition.



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3.The issue of additional compensation arises primarily because in the lands sought to be acquired , the respondents were of the opinion that lands to an extent of 0.0018.0 sq.m alone would be required. Thereafter, the records were verified and it was found that a wrong survey number had been given. Therefore, on further measurement, it was stated that further land was required. The total land which would now be acquired is 0.0028.0 sq.m. Therefore, payment for additional compensation for the 10 sq.m is the relief sought for in the writ petition.

4.The learned counsel for the petitioner states that for the acquisition of land measuring 0.0018.0, interim compensation of Rs. 9,27,183/- had been paid but final compensation is not paid.

5.A rough calculation memo has been forwarded by the learned Special Government Pleader, who appears on behalf of the respondents. By proceedings, dated 13.02.2023, it had been stated that interim compensation of Rs.9,27,183.00 had been paid to the petitioner herein. This is evident on the records. The writ petition has not been filed for questioning the quantum of compensation.



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6.The writ petition has been filed seeking a direction to pay the compensation. A direction in that regard need not be issued, since the respondents had themselves come forward with the calculation and with a commitment to pay the compensation to the petitioner. If the petitioner is not satisfied with the quantum of compensation, separate proceedings will have to be initiated in accordance with law. The writ Court under Article 226 of Constitution of India, cannot examine such aspect.

7.The learned counsel for the petitioner has also enclosed various orders of the Sub Collector that additional land was acquired and intimated to the petitioner, as early as in the year 2020 by communication, dated 26.08.2020 in Na.Ka.No.5229 of 2020. Thereafter, there has been a series of further communications. Now additional compensation has been determined and a commitment has been hold out to pay the compensation to the petitioner by the respondents. The writ petition is filed only to frustrate the acquisition proceedings.



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8.In view of the above, this writ petition stands dismissed.

Specifically, no further directions are issued. The respondents are directed to proceed in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

26.06.2023

NCS : Yes/No
Index : Yes / No
Internet: Yes/ No
PNM

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C.V.KARTHIKEYAN, J.

PNM

ORDER IN
W.P(MD).No.15011 of 2023
and WMP(MD)No.12635 of 2023

26.06.2023