



W.P.(MD)No.19324 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 09.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.19324 of 2021

Tamilarasi

... Petitioner

Vs.

1.The President,
Grievance Redressal Committee,
Chennai to Kanyakumari Industrial Corridor Project, (CKICP)
Kumbakonam,
Thanjavur District.

2.Special District Revenue Officer (Land Acquisition),
Chennai to Kanyakumari Industrial Corridor Project (CKICP)
Kumbakonam,
Thanjavur District.

3.The Divisional Engineer,
Highways, Thanjavur District,
Chennai to Kanyakumari Industrial Corridor Project (CKICP)
Kumbakonam,
Thanjavur District.

4.The Special Thasildar (Land Acquisition),
Chennai to Kanyakumari Industrial Corridor Project (CKICP)
Kumbakonam,
Thanjavur District.

...Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India
praying for issuance of Writ of Certiorarified Mandamus calling for the records



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pertaining to the order issued by the 2nd respondent herein in his proceedings vide its impugned order in Tha.Pa.75/2021 dated 20.07.2021 and quash the same, consequentially directing the respondents to pay a additional compensation of 25% from the total compensation amount for the land with building from the extent of 44 Square meter of property from the petitioner's patta No.203, Survey No.156/3 in Maruthanallur Village, Kumbakonam Taluk, Thanjavur for the Chennai to Kanyakumari Industrial Corridor Project (CKICP), Kumbakonam within the stipulated period fixed by this Court.

For Petitioner : Mr.R.Rajaraman
For Respondents : Ms.D.Farjana Ghoushia
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the proceedings of the second respondent dated 20.07.2021 and for a consequential direction to the respondent to pay the additional compensation of 25% of the total compensation amount to the petitioner for the acquisition of the property belonging to the petitioner through negotiation.

2.Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.



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3.The case of the petitioner is that the acquisition proceedings were initiated for Chennai to Kanyakumari Industrial Corridor Project. Through negotiation, the compensation amount was fixed. The petitioner also participated in the negotiation and by an award dated 22.02.2021, the compensation amount was fixed. According to the petitioner, he should be paid 125% towards compensation for the land acquired for the project, whereas only 100% was paid and the balance 25% was not paid to the petitioner. When the petitioner made a claim, it was rejected by the second respondent through the impugned proceedings dated 20.07.2021. Hence, the present writ petition has been filed.

4.The learned Special Government Pleader appearing on behalf of the respondents produced the relevant records. It is seen from the materials placed before this Court that 25% of the total compensation was denied to the petitioner, since the petitioner did not agree to hand over the property and he was inclined to challenge the proceedings. That apart, the petitioner was also claiming compensation at the market value. In view of the same, only 100% was paid to the petitioner and balance 25% was not paid.



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5.At this juncture, the learned counsel for the petitioner submitted that the petitioner will not raise any other dispute in this case and that the petitioner is willing to receive the balance 25% without making any further claim over the property that was acquired.

6.In light of the above submission, there shall be a direction to the petitioner to make a fresh representation before the second respondent by categorically stating that the petitioner is not inclined to raise any dispute or make any claim over the property that was acquired and on receipt of the representation, the second respondent shall consider the same and balance 25% amount shall be paid to the petitioner. This process shall be completed by the second respondent within a period of six weeks from the date of receipt of the fresh representation from the petitioner .

7.This writ petition is disposed of in the above terms. No costs.

09.11.2023

NCC : Yes / No
Index : Yes/No
Internet : Yes/No
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N.ANAND VENKATESH, J.

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