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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2023

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)No.21058 of 2022

and

W.M.P.(MD)No.15288 of 2022

R.M.Umayal

... Petitioner

vs.

1.The Divisional Engineer (Highways),
NABARD Village Road, Madurai.

2.The Assistant Divisional Engineer (Highways),
NABARD Village Road, Madurai.

3.The Revenue Division Officer,
Tirumangalam, Madurai District.

4.The Assistant Engineer (Highways),
NABARD Village Road, Madurai Divisional-1,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records and to quash the Na.ga.No.1.NiAa/2022-23/Uu, dated 04.07.2022 issued by the second respondent to the petitioner and to direct the respondents not to proceed in demolishing the building.



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For Petitioner :Mr.R.Ramasamy
For Respondents :Mr.N.Muthu Vijayan
Special Government Pleader

ORDER

This Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking records relating to the an order, dated 04.07.2022 in Na.ga.No.1.NiAa/2022-23/Uu, issued by the second respondent, Assistant Divisional Engineer (Highways), NABARD, Madurai, and to direct the respondents not to proceed with demolishing the building.

2.Heard Mr.R.Ramasamy, learned Counsel for the petitioner and Mr.N.Muthu Vijayan, learned Special Government Pleader for the respondents.

3.In the affidavit filed in support of the Writ Petition, it had been stated that the lands of the petitioner had been acquired by the respondents. It had been claimed that without any notice, the revenue authorities have served eviction notice and the petitioner had demanded opportunity to hear the grievances. It is claimed that the petitioner had



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not availed the compensation granted by the revenue authorities.

4.It must be stated that the land had been acquired to re-place LC-366 by a road over bridge under the railways work programme 2006-2007. Administrative sanction had also been passed by the State Government. The main grievance of the Writ Petitioner was that compensation has not been granted.

5.A counter affidavit had been filed by the first respondent, wherein, this fact of non payment of compensation had been denied and it had been stated as follows:

“9) I further submit that I strongly deny the averment of the petitioner that a a reasonable opportunity was not been given to her before issuing eviction notices, it is to be noted that the notice in Form-A and Form-B (English & Tamil) u/s.15(2) of Tamilnadu Highways Act, 2001 was approved by The District Collector, Madurai vide proceedings Roc.No.46855/2011/B6 dated 15.06.2013 for calling objections from the land owners/persons interested on the lands under acquisition. The substance of the notice was published in the public places and Government Offices concerned. Moreover, the enquiry u/s. 15(2) of Tamilnadu Highways Act, 2001 was conducted on 13.08.2013.

10)I further submit that after the aforesaid hearing, the Notifications u/s.15 (1) of the Tamilnadu Highways Act, 2001 was approved by the Government in their G.O.(D2).No.294, Highways and Minor Ports (HS-1) Department dated 31.12.2013 allowing us to acquire 0.2849.0 Sq.mt for the project. The same order has been published in Tamilnadu Government Gazette No.5 dated 05.02.2014 at pages from 117 to 125 of Part-II, Section 2.

11) I further submit that in furtherance to the abovesaid



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Gazette notifications, notices u/s.16(2) of the Tamilnadu Highways Act, 2001 in Form- 'E' have been given to the land owners/persons interested on the lands under acquisitions for handing over possessions of the said lands within 30 days from the date of receipt of the notice and their acknowledgements been obtained.

....

13)I further submit that in furtherance to the above proceedings, the final award for land acquisition as compensation amount of Rs.15,13,64,790/- was passed by the District Collector; Madurai vide ROC.No.46855/2011/B7 dated 26.02.2021. In the said compensation, it is to be noted that an amount of Rs. 5,89,43,755/- has been deposited as Interim Award in the account of Revenue Divisional Officer. The same is evident from the letters dated க.எண்.366/2015/அ1/ dated 24.05.2022.

.....

15) I further submit that the aforesaid amount was deposited and the possession was handed over to Divisional Engineer(H), NABARD & Rural roads, Madurai by Tahsildar Thiruparankundram vide letter ROC.10804/2009/B dated 19.08.2021. After taken over over possession the dated Revised Administrative Sanction-II for the work has been sanctioned vide G.O.(Ms).No.127 / Highways & Minor Ports (HSI), Department dated 14.07.2022 for an value of Rs.65.43 crores.

.....

20) I further submit that most of the similarly placed persons like the petitioner got the interim compensation and now the final compensation amount itself is being dispersed by the Special DRO Land acquisition, more over notice has been issued to the petitioner by Spl.Tahsildar Land acquisition Madurai Vide Lr.No: ???.49/2022/???.06.09.2022 and despatch report from Spl.Revenue Inspector, Land Acquisition and Management, Madurai Dt:09.09.2022 clearly mentioning the area extent which is to be acquired and also the compensation amount. Therefore, the petitioner can very well approach the concerned authorities for getting the final compensation amount by providing required documents instead of misleading & wasting this Hon'ble Court's time."

6.The responsibility is on the petitioner to approach the authorities having received a notice on 06.09.2022 and receive the compensation.



Compensation has been deposited.

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7.The learned Counsel for the petitioner claimed that the Court should inform the name of the authority, from whom the compensation should be obtained. This Court had directed the petitioner to go over to the office of the third respondent/District Revenue Officer.

8.The learned Counsel today produced a letter, dated 04.05.2023 purportedly issued by the petitioner herein seeking details of the compensation, which had been deposited.

9.It is now an issue between the petitioner and respondents. The amount had been deposited and the petitioner will have to produce relevant documents relating to title and then receive the compensation. But this does not mean that the petitioner can put a stop to the entire project. The learned Counsel for the respondent also produced a letter dated 01.06.2023 that the petitioner would hand over possession of the property acquired.



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10.A direction is given to the petitioner to vacate and hand over possession. The petitioner can always receive the compensation after establishing bona fide. The Writ Petition had been filed only to protract the proceedings. The Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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

21.06.2023

cmr



To
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NABARD Village Road, Madurai.
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- 4.The Assistant Engineer (Highways),
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Madurai.



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C.V.KARTHIKEYAN, J.

cmr

Order made in
W.P.(MD)No.21058 of 2022

21.06.2023