



W.P.(MD) No.21308 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.11.2023

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD) No.21308 of 2021

Gnanaguru
S/o.Gurusamy Naidu

... 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



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Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to pay an additional compensation of 25% i.e. Rs.2,41,719/- with 18% interest for the land with building from the extent of 16 Square Meter of property from the petitioner's patta No.257, Survey No.238/1K1 in Thippurajapuram Village, Kumbakonam Taluk, Thanjavur for the Chennai to Kanyakumari Industrial Corridor Project, [CKICP] Kumbakonam as per G.O.Ms.No.195, Highways (6) Small Ports Department [HS2] dated 26.11.2019 within the stipulated period fixed by this Court.

For Petitioner : Mr.R.Rajaraman

For Respondents : M/s.D.Farjana Ghoushia
Special Government Pleader

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus directing the respondents to pay the additional compensation of 25% with interest at the rate of 18% per annum for the property that was acquired from the petitioner through negotiation under the Tamil Nadu State Highways Act, 2001.

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 he was the owner of the subject property and the second respondent had issued a Notification under the Tamil Nadu State Highways Act, 2001 for acquisition of land. The petitioner had participated in the negotiation talks and he accepted for the compensation fixed. The grievance of the petitioner is that he has to be paid 125% as compensation and whereas, he was paid 100% of the compensation amount and remaining 25% has not been paid to the petitioner. Therefore, the petitioner has approached this Court for a direction to the respondents to pay 25% compensation amount with interest.

4. The counter affidavit has been filed by the second respondent.

The relevant portion in the counter affidavit is extracted hereunder:-

4.

During the 19(2) enquiry out of 136 land owners affected in the above land acquisition project only 86 land owners attended the enquiry and given their consent. Only a very few given consent for private negotiation. Remaining pattadars demanding high value and refused for private negotiation. Besides there is no appeal provision in Private negotiation, in order to avoid the contrary in fixing the land value among the land owners and to maintain uniformity the lands were proposed to be acquired through highways act and the land value has been fixed as per rule 26 to 30 of RFCTLARR Act



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2013. Out of 4665 Sq.mts acquired only 16 square of land vest with the petitioner is inevitable for the land acquisition process.

5. Regarding the averments in Para 6, Notification u/s 19(2) of Tamil Nadu Act, 2001, the petitioner while attending the 19(2) enquiry held on 06.11.2020 has given consent statement for land acquisition through private negotiation. During 19(2) enquiry most of the land owners of Thippirajapuram demanded for high market value and not accepted for private negotiation, and since there is no appeal provision in Private Negotiation to avoid the contrary in fixing the Land Value among the Land Owners the lands were proposed acquired through the act and the land value has been fixed as per Rule 26 to 30 of RFCTLARR Act, 2013. Out of 4665 Sq.mtr. a meagre portion of 16 Sq. Mtr. is acquired from the petitioner which is inevitable for the widening process.

6. It is submitted that, in view of the public interest, the acquisition is inevitable as the process of acquisition is almost complete and the award has been passed as per the act on 25.02.2021 compensation to the land owners were settled through ECS and possession of the land has been given to the applying body on 20.04.2021. It may please be noted that in respect of the petitioner also all the procedures established in the act and rules in respect of land acquisition had been complied scrupulously without any regret or lapses.

5. In the considered view of this Court, the petitioner had given a consent statement for acquisition of land through private negotiation. In view of the same, the petitioner ought to have been paid 125% of the



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compensation. However, the second respondent had retained 25% of the compensation mainly on the ground that the other land owners who were demanding for higher value, refused for private negotiations. In view of the same, the petitioner had not been paid the remaining 25% of the compensation.

6. In the instant case, the land has been acquired after negotiations. The petitioner had given his consent for the acquisition of land. Therefore, the petitioner ought to have been paid 125% as compensation. Just because the other land owners were refusing for private negotiations, that cannot be put against the petitioner. Hence, the petitioner is entitled for the balance 25% along with interest.

7. In the light of the above discussion, there shall be a direction to the second respondent to deal with representation made by the petitioner on 18.11.2021 and balance 25% of the compensation shall be paid to the petitioner with interest at the rate of 9% per annum from 01.03.2021 till the date of the payment of the balance amount. The second respondent shall make the payment with interest within a period of 6 weeks from the date of receipt of a copy of this order.



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20.11.2023

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Index: Yes/ No
Neutral Citation: Yes / No
Speaking order / Non-Speaking order

JEN

To

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- 2.Special District Revenue Officer
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N.ANAND VENKATESH, J.

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