



W.P(MD)No.5309 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.06.2023

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P(MD) No.5309 of 2017 and
WMP(MD) No.4264 of 2017

V.Antony Nadar

Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep by its Principal Secretary to Government,
Public Works Department,
Secretariat, Chennai -9.
- 2.The District Collector,
The Collectorate Office,
Tirunelveli,Tirunelveli District.
- 3.The District Revenue Officer,
Tirunelveli District,
Tirunelveli.
- 4.The Regional Deputy Tahsildar,
(Land Acquisition),
O/o the District Collectorate,
Tirunelveli.
- 5.The Assistant Executive Engineer,
WRO/PWD, Chittar Basin Division,
Tenkasi at Courtallam,
Tirunelveli District.

Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the respondents to remove the bund and potholes put by the respondents in Survey Nos.1584/1, 1585/1 and 1586/1 situated at Gangaikondan Village, Tirunelveli Division, Tirunelveli District and restore the same to its original position by considering the petitioner's representation dated 22.02.2016 within the period that may be stipulated by this Court.

For Petitioner :Mr.Mohammed Imran for
M/s.Ajmal Associates
For Respondents :Mr.S.Shaji Bino
Special Government Pleader

ORDER

The petitioner claiming to be an agriculturist has filed this writ petition that his land has been taken by the respondent for the purpose of formation of a pond and subsequently it was dropped, thereby the land was handed over to the petitioner without restoring the same to its original position.

2.The learned counsel appearing for the petitioner submits that the land in Survey Nos.1584/1, 1585/1 and 1586/1



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belong to the petitioner. The villagers of Gangaikondan Village have made a representation to the respondents for formation of a Tank Rajapathi Kanmai in the year 1984. A proposal was sent to the Government and the Government has also considered the same and issued a Government Order in G.O.Ms.No.28PW (W2), dated 23.01.2004 for formation of Kanmai at Gangaikondan Village, Tirunelveli Division through private negotiation. Among the lands identified for formation of Kanmai, the petitioner's land in Survey No.1587/1A to an extent of 0.69.0 Hects (1.62 Acres) is also included and the petitioner's land has been acquired by the respondents. In the same village, the Government has also established a SIPCOT, so that the land value enhanced. Therefore, the villagers, who have already consented for formation of a pond have withdrawn their consent and refused to receive the agreed compensation amount. However, the respondents have made some preparatory work to form the pond. One of the agriculturists in Gangaikondan Village has approached this Court by way of a writ petition in W.P(MD)No.901 of 2010 and this Court, by order dated



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29.04.2010 has directed the respondents to form a committee and to have a private negotiation with the villagers. The committee was also formed on 03.05.2010. However, the committee has submitted a failure report that the private negotiation was not effective. Therefore, the Government has decided to drop the project and accordingly it was dropped.

2.1. The grievance of the petitioner is that in the process of formation of a pond, the petitioner's land has been damaged and it is now incapable for cultivation. Therefore, the petitioner has submitted a representation and also filed this writ petition in the year 2017 for a Mandamus, directing the respondents to restore the land in Survey Nos.1584/1, 1585/1 and 1586/1 situated at Gangaikondan Village, Tirunelveli Division to its original position by considering his representation. The respondents, who received the representation of this petitioner on 22.02.2016 have not considered it. Hence, the petitioner has filed this writ petition.



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3.The learned Special Government Pleader appearing for the respondents submits that the pond was proposed to be formed only on the request made by the villagers of the Gangaikondan Village. Now the villagers are demanding more compensation for their lands than the agreed amount, therefore, the project was dropped. The learned Special Government Pleader further submits that for restoring the land it requires a huge amount to the Government Exchequer.

4.This Court considered the rival submissions made and also perused the materials placed on record.

5.Admittedly, the petitioner's agriculture land was taken by the respondent Board for the purpose of formation of a pond and subsequently, the project was dropped by the Government in view of the demand raised by the petitioner and other villagers for more compensation amount. The respondents have made certain preliminary work by raising bund pursuant to the earlier proposal of



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formation of a pond. Therefore, the land has now become incapable for agriculture. The fact remains that the land meant for agriculture have been taken by the respondent Board and has been left without restoring the same to its original position. Whether it is based on the the petitioner's request or on the request of the villagers, if the petitioner's land has been damaged on account of formation of the pond by the respondents, it is their responsibility to restore the land to the petitioner in its original position.

6. Accordingly, this writ petition is disposed of with a direction to the respondents to restore the petitioner's land to its original position. No costs. Consequently, connected Miscellaneous Petition is closed.

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(2/2)

NCC : Yes / No.
Index : Yes / No.
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To

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- 1.The Principal Secretary,
Public Works Department,
Secretariat St.George's Fort,
Chennai.
- 2.The District Collector,
Tirunelveli District,
Tirunelveli.
- 3.The District Revenue Officer,
Tirunelveli District,
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B.PUGALENDHI, J

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