



W.P.(MD)No.22309 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 22.11.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.22309 of 2021

and

W.M.P.(MD)No.22838 of 2023

P.Chinnakalai

... Petitioner

vs.

1.The District Collector,
Madurai, Madurai District.

2.The Special Thasildar (Land Acquisition),
Madurai Airport Extension Unit - II,
Old Ramanathapuram - Madurai Collector Office Building,
Madurai, Madurai District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to consider and pass award for the compensation of the petitioner's house in survey No.278/7B2 in Old Door No.3/121B (New Door No.3/6) situated at Parambupatti Village, Perungudi Panchayat, Madurai District, based on the petitioner's representation dated 30.11.2021.

For Petitioner :Mr.J.Jeyakumaran

For Respondents :Mr.B.Saravanan

Additional Government Pleader



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ORDER

This Writ Petition has been filed for the issue of Writ of Mandamus directing the respondent to consider the representation made by the petitioner on 30.11.2021, wherein, the petitioner has sought for payment of compensation for the building put up by him in the subject property.

2.Heard Mr.J.Jeyakumaran, learned Counsel appearing on behalf of the petitioner and Mr.B.Saravanan, learned Additional Government Pleader appearing on behalf of the respondents.

3.The case of the petitioner is that the property was acquired under the Tamil Nadu Acquisition of Land for Industrial Purpose Act, 1997, (hereinafter referred to as “the Act”) for expansion of the airport. A final award was passed by the first respondent in Award No.10 of 2020 dated 20.05.2020. The compensation was fixed only for the land and no compensation was paid to the petitioner for the building. Thereafter, yet another award was passed by the first respondent in Award No.10A/2021 dated 12.08.2021. Even in this proceedings, the compensation was not fixed for the building. Hence, the petitioner made a representation before



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the respondents, dated 30.11.2021 seeking for compensation for the building. Since the same was not acted upon, the present Writ Petition has been filed before this Court.

4.The learned Additional Government Pleader appearing on behalf of the respondents, based on the counter affidavit filed by the second respondent, submitted that there was no building constructed in the land at the time of acquisition and the land was acquired as a dry land. In view of the same, a stand has been taken to the effect that the compensation was paid only for the land.

5.In the considered view of this Court, the petitioner cannot maintain a Writ Petition before this Court, since the petitioner has an alternate remedy under Section 8 of the Act. The grievance of the petitioner is that no compensation has been paid for the building and to that extent, the petitioner is aggrieved by the decision taken by the District Collector. In view of the same, the petitioner has to necessarily make an application before the Collector and seek for reference to the Court. In the light of this alternate remedy, there is no question of



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directing the respondents to deal with the representation made by the petitioner after an award has been passed.

6.In the light of the above discussion, there shall be a direction to the petitioner to make an application before the first respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the first respondent shall refer the matter before the competent Court for determination of compensation within a period of eight week thereafter. It will be left open to the petitioner to workout his remedy before the reference Court and seek for enhanced compensation.

7.This Writ Petition is disposed of in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

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

22.11.2023

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N.ANAND VENKATESH, J.

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