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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.04.2023

CORAM

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

W.P.(MD)No.25663 of 2022

K.Kaliammal

... Petitioner

vs.

1.District Revenue Office/(LA-NH-785),
Land Acquisition Authority,
Pudukottai District, Pudukottai.

2.The Project Director,
National Highways Authority of India,
Karaikudi, Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first and second respondents to pay compensation amount to the petitioner's for the land acquired from the petitioner to the extent of 2440 sq.meters in Survey No.1208/3A of Thulaiyanoor Village, Thirumayam Taluk, Pudukottai District for the purpose of construction of bye pass road in Thanjavur-Manamadurai National Highways No.226 as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 based on the petitioner's husband representation, dated 17.03.2017.



For Petitioner :Mr.Raja Karthikeyan
For R1 :Mr.J.Ashok
Additional Government Pleader
For R2 :Mr.P.Karthick

ORDER

This Writ Petition has been filed in the nature of Mandamus seeking a direction against the respondent to pay compensation amount to the petitioner for the land acquired from the petitioner measuring 2440 sq.mtrs., in Survey No.1208/3A of Thulaiyanoor Village, Thirumayam Taluk, Pudukottai District. The acquisition was for the purpose of construction of bye-pass road in Thanjavur-Manamadurai National Highways No.226. The petitioner places reliance on the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

2.Heard Mr.Raja Karthikeyan, learned Counsel for the petitioner, Mr.J.Ashok, learned Additional Government Pleader for the first respondent and Mr.P.Karthick, learned Counsel for the second respondent.



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3.The husband of the petitioner had given a representation seeking compensation on 17.03.2017. The Writ Petition was kept pending and the petitioner was given an opportunity to appear before the first respondent and produce documents to evidence her right over the land, which would naturally entail her to receive the compensation for acquisition of such lands.

4.A report had been filed by the first respondent herein and the first respondent had stated as follows:

“3.The area of the land acquired in S.F.No.1208/3A is in joint holding and the petitioner has not produced any valid documentary evidence including sale / settlement / Partition deeds to prove her actual portion of her share out of the acquired area. It is submitted that in the absence of other pattadars for the enquiry, the actual share portion of each pattadar in the acquired land could not be determined for disbursement of compensation. Further, the required documentary evidence in this regard has also not been produced by the petitioner's side. The compensation amount determined for 2440 sq.mts acquired in SF.No.1208/3A is kept pending as undisbursed for want of valid documents to be submitted to prove the claim and exclusive right over the property. Copy of petition dated 29.3.2023 submitted by the petitioner is enclosed for favour of perusal.”



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5.The learned Counsel for the petitioner stated that the first respondent may pass necessary orders on the representation given by the petitioner and on the basis of the enquiry done by the first respondent consequent to the appearance by the petitioner as directed by this Court.

6.If an order is passed, the petitioner can work her remedy before the competent appellate authority, as provided under the Act. The matter cannot be permitted to stagnate with one particular authority itself, but will have to move forward and the only way it could move forward is for the first respondent to pass an order with reasons and while passing such order, the first respondent may examine whether the petitioner is entitled for compensation and if he is of that opinion, he may pay the compensation. If he is of the opinion that further examination will have to be done, then let him give reasons for his opinion and the petitioner can work her remedy before the competent authority. It is seen from the report filed by the first respondent that the title of the petitioner had not been denied by the first respondent. The entire exercise by the first respondent may now be completed within a period of four weeks from the date of a copy of this order and the petitioner may therefore move



forward in accordance with the provisions in the aforementioned Act.

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7.The Writ Petition stands disposed of. No costs.

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

10.04.2023

Note: Issue order copy by **11.04.2023**.

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To

1.District Revenue Office/(LA-NH-785),
Land Acquisition Authority,
Pudukottai District, Pudukottai.

2.The Project Director,
National Highways Authority of India,
Karaikudi, Sivagangai District.



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C.V.KARTHIKEYAN, J.

cmr

Order made in
W.P.(MD)No.25663 of 2022

10.04.2023