



W.P(MD)Nos.25649 and 25654 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)Nos.25649 and 25654 of 2023

and

W.M.P.(MD)Nos.21821, 21825, 21833 and 21834 of 2023

W.P.(MD)No.25649 of 2023:-

A.Annadurai

... Petitioner

Vs.

- 1.The District Collector,
Collectorate,
Tenkasi District.
- 2.The District Revenue Officer,
District Revenue Office,
Collectorate Campus,
Tenkasi.
- 3.The Revenue Divisional Officer,
Revenue Divisional Office,
Tenkasi.
- 4.The Tahsildar,
Tenkasi Taluk,
Tenkasi.
- 5.The Special District Revenue Officer,
(Land Acquisition) / Land Acquisition Officer,

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Chennai - Kanyakumari Industrial Corridor Project,
Tirunelveli.

6.The Tahsildar (Land Acquisition),
Tamil Nadu Road Development Scheme-II,
A-76/1, 5th Cross Street (Opp to Post Office),
Maharaja Nagar, Palayamkottai,
Tirunelveli.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records of the impugned order passed by the 5th respondent in his proceedings in Na.Ka.No.A8/1162/2022 dated 11.10.2023 and the consequential enquiry notice in Na.Ka.No.A4/18/2023 dated 12.10.2023 issued by the 6th respondent herein and quash the same as illegal and further directing the respondents to pass appropriate award by conducting proper enquiry and fix the compensation as far as the land in T.S.Nos.24 and 27 in Ward No.38, C Block, Tenkasi village and District within a time stipulated by this Court and pass such further orders restraining such burial / cremation activities in future.

For Petitioner : Mr.V.Meenakshi Sundaram

For Respondents : Mr.K.Balasubramani,
Special Government Pleader.

W.P.(MD)No.25654 of 2023:-

P.N.K.Perumal

... Petitioner



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Na.Ka.No.A4/18/2023 dated 12.10.2023 issued by the 6th respondent herein and quash the same as illegal and further directing the respondents to consider the petitioner's representation dated 11.07.2023 and pass appropriate orders by referring the Award No.4/2022 (J1/89/2019) dated 24.01.2022 before the competent authority for enhanced compensation.

For Petitioner : Mr.V.Meenakshi Sundaram

For Respondents : Mr.M.Sidharthan,
Additional Government Pleader.

COMMON ORDER

Heard both sides.

2.The proceedings were initiated under Tamil Nadu State Highways Act, 2001 for acquiring the petition mentioned lands. The notification was issued on 12.12.2014 under Section 8 of the Act. A portion of the lands proposed to be acquired had already been alienated by Thiru.P.N.K.Perumal in favour of A.Annadurai on 14.10.2009 vide registered sale deed. Thiru.P.N.K.Perumal informed the authorities about the alienation already effected by him. Yet, the purchaser / Annadurai was not associated during award enquiry. An award came to be passed

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by treating P.N.K.Perumal as the exclusive owner of the entire property.

Interestingly, the award copy was not served on P.N.K.Perumal. The entire award amount was duly credited. Thereafter, when Annadurai raised issue that the land belonging to him cannot be taken unless he is paid compensation, the authorities realized their mistakes. Now remedial steps are being taken. It is at this stage, these writ petitions came to be filed.

3.The writ petitions are disposed of in the following manner:-

“(a) The Award No.4 of 2022 dated 24.01.2022 passed by the fifth respondent is quashed as far as the petitioners are concerned.

(b) The fifth respondent shall pass fresh award after holding enquiry in respect of the writ petitioners. The writ petitioners shall be entitled to putforth their case.

(c) Final award on merits and in accordance with law will be passed within a period of eight weeks from the date of receipt of a copy of this order.



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(d) Compensation amount shall also be disbursed accordingly to the petitioners herein. The amount that has already been deposited can very well be withdrawn by the department.

(e) It is of course open to the petitioners to receive the award amount without prejudice to their claim to receive enhanced amount. No costs. Consequently, connected miscellaneous petitions are closed.”

16.11.2023

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

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