



W.P(MD)No.28578 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2023

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THE HONOURABLE **MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.28578 of 2022

and

W.M.P(MD)No.22582 of 2022

S.Raja Mohamed

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Highways Department,
Collector's Office,
Madurai.
- 2.The Commissioner,
Land Administration,
Chepauk,
Chennai.
- 3.The District Collector,
Madurai District,
Madurai.
- 4.The Special District Revenue Officer,
Land Acquisition and Development,
Office of Land Acquisition and Management,
Madurai.
- 5.The Special Tahsildar,
Land Acquisition and Development (Highways),
Land Acquisition and Management Office,
Madurai.

... Respondents



W.P(MD)No.28578 of 2022

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to determine the quantum of compensation, in the land acquisition proceeding initiated by the first respondent vide Roc.No.35616/2014/B7 dated 13.11.2021, by taking the market value of the property in to consideration along with the valuation of property made by financial institution in respect to the property in T.S.No. 1158/21 measuring an extent of 165 sq.meters situated at Door No.129B, North Veli Street, Madurai City before passing award within a stipulated time fixed by this Court.

For Petitioner : Mr.S.Anwar Sameem

For Respondents : Mr.G.Suriyananth
Additional Government Pleader

ORDER

Heard the learned Counsel on either side.

2. The petition mentioned property belongs to the petitioner. It is now sought to be acquired. The case of the petitioner is that he had already availed loan by mortgaging the same. The financial institution which granted loan had assessed the value of the property at Rs.2,76,00,000/-. The petitioner is willing to part with the property provided reasonable terms are offered. Even though notification had already been issued, the authorities are also exploring the



W.P(MD)No.28578 of 2022

possibility of concluding the issue through private negotiation. The grievance of the petitioner is that in the private negotiation, only a nominal amount has been offered. The petitioner would contend that this stand of the authority is on account of their determining the amount with reference to the guideline value and not the market value. That led to the filing of this writ petition.

3. Technically this writ petition has been prematurely filed. It is for the competent authority to determine the compensation payable to the petitioner. It is too well settled that this has to be done by taking into account the market value of the land on the date of publication of the notification.

4. The learned Additional Government Pleader appearing for the respondents on instructions states that they would follow only the guideline value. This is not correct. The distinction between guideline value and market value is too fundamental and well settled. The authorities therefore cannot take this stand that they will follow only the guideline value. But what is the market value is left to be decided only during enquiry. It is not for the writ Court to make any definitive pronouncement at this stage. I direct the respondents to determine the compensation payable to the petitioner with reference to the market value and by applying relevant statutory provisions. This writ petition stands disposed of. There shall be no order as to costs. Consequently, connected



W.P(MD)No.28578 of 2022

Miscellaneous Petition stands closed.

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03.02.2023

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

To

- 1.The Secretary,
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Highways Department,
Collector's Office,
Madurai.
- 2.The Commissioner,
Land Administration,
Chepauk,
Chennai.
- 3.The District Collector,
Madurai District,
Madurai.
- 4.The Special District Revenue Officer,
Land Acquisition and Development,
Office of Land Acquisition and Management,
Madurai.
- 5.The Special Tahsildar,
Land Acquisition and Development (Highways),
Land Acquisition and Management Office, Madurai.

G.R.SWAMINATHAN, J.



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W.P(MD)No.28578 of 2022

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