



W.P(MD)No.26954 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.26954 of 2023

C.Palanivel

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Revenue Divisional Officer/Land Acquisition Officer,
Thirumangalam,
Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents i.e., the District Collector, Madurai and the Revenue Divisional Officer / Land Acquisition Officer, Thirumangalam to make necessary arrangements for payment of the award amount to the petitioner deposited in the revenue account as per Award No.9/1998 dated 14.10.1988 within a specified time frame that may fixed by this Court.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.K.Balasubramani
Special Government Pleader



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ORDER

Heard both sides.

2. 5 cents of land belonging to the petitioner were acquired way back in the year 1988. Notification under Section 4(1) of the Land Acquisition Act, 1894 was issued on 14.08.1985. Enquiry under Section 5(A) of the Act was held in March 1986. The award was passed on 14.10.1988. The award amount of Rs.829.35/- was deposited in the revenue account as per Award No.9 of 1988. The petitioner wants the same to be disbursed.

3. The learned counsel for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to grant relief as prayed for.

4. The learned Special Government Pleader submitted that the award amount had been deposited in the revenue account and that the petitioner did not take any steps to have the matter referred for enhancement of compensation. He also would point out that it is too late in the day to go into the issue. According to him, the petition suffers from laches. He also would submit that the amount will not carry interest also. He called upon this Court to dismiss the writ petition.



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5. I carefully considered the rival contentions and went through the materials on record. The petitioner is now aged about 89 years. It would not be fair on the part of this Court to expect him to go to the treasury and find out the fate of what happened to the revenue deposit. The learned counsel for the petitioner draws my attention to the enquiry held under Section 5(A) of the Act. It is seen therefrom that the petitioner's name is figuring at Serial No.39. He had offered his objection to the acquisition proceedings.

6. One can take judicial notice of the fact that the amount of Rs.829/- offered in the award enquiry would not have been acceptable to him. In fact, the petitioner did not even attend the enquiry. The petitioner's title is however not in dispute. During the relevant time, the banks were offering high interest rate. Right to property is a constitutional right guaranteed under Article 300A. It is not the case of the respondents that the petitioner had withdrawn the amount. In such cases, it is the duty of the department to deposit the amount in an interest bearing account. Failure on the part of the department to deposit the amount in an interest bearing account cannot operate to the prejudice of the petitioner. More than 35 years have elapsed. The property prices have skyrocketed. I can take judicial notice of the fact that even a cent of land in Thoppur Region will now fetch quite a few lakhs of rupees. I therefore direct



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the respondents to pay a sum of Rs.20,000/- to the petitioner towards compensation for the acquisition. The amount deposited to the petition mentioned revenue account will stand lapsed in favour of the department. This amount shall be paid by the respondents within a period of 8 weeks from the date of receipt of a copy of this order.

7. The writ petition is disposed of. No costs.

23.11.2023

Index : Yes / No
Internet : Yes/ No
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To

1.The District Collector,
Madurai District,
Madurai.

2.The Revenue Divisional Officer/Land Acquisition Officer,
Thirumangalam,
Madurai District.



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G.R.SWAMINATHAN, J.

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