



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Special Original Jurisdiction

Friday, the Twenty Fourth day of November Two Thousand and Twenty Three
PRESENT

**The Hon`ble Mr.Justice S.M.SUBRAMANIAM
AND
The Hon`ble Mr.Justice V. LAKSHMINARAYANAN**

WMP(MD). No.23773 to 23775 of 2023
in
WP(MD)No.22843 of 2021 & 1403 & 1404 of 2022

WMP(MD). No.23773 of 2023:-

1. The District Collector,
Virudhunagar District,
Virudhunagar 626 002
2. The Tahsildar,
Kariapatti Taluk,
Kariapatti -626106
Virudhunagar District.
3. The Block Development Officer,
(Village panchayats)
Block Development Office,
Kariapatti-262106,
Virudhunagar District.

... Petitioners/Respondent 1 to 3

Vs

- 1 A.Karalam
- 2 The Secretay
Arasakulam Panchayat,
Arasakulam 626 115
Kariapatti Panchayat Union
Virudhunagar District.

... 1st Respondent /Writ Petitioner



3 Naga Chanderan
4 M.Rajendran
5 Velmurugan

... Respondents 2 to 5/ Respondents 4 to 7

Prayer in WMP(MD). No.23773 of 2023 :-

Writ miscellaneous Petition is Filed Under ART.226 of the Constitution of India to grant extension of time for a further period of 6 months to complete the land acquisition proceedings as directed by this Hon'ble Court in the order in WP(MD) 1403/2022 dated 28.06.2023 and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of this case and thus render justice.

Prayer in WP(MD). 1403/ 2022 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to remove their unauthorized formation of road in the petitioners agriculture patta lands, situated in Survey Nos. 75/2A1C and 75/2A1E in Arasakulam Village, Kariapatti Taluk, Virudhunagar District and consequently directing the respondents to award a monetary compensation of Rs. 3.5 lakhs to the petitioner for the loss and damages caused to his patta lands and standing crops.

WMP(MD). No.23774 of 2023:-

1. The District Collector,
Virudhunagar District,
Virudhunagar 626 002
2. The Tahsildar,
Kariapatti Taluk,
Kariapatti -626106
Virudhunagar District.
3. The Block Development Officer,
(Village panchayats)
Block Development Office,
Kariapatti-262106,
Virudhunagar District.

... Petitioners/ Respondent 1 to 3

Vs



1. Ramesh

... 1st Respondent / Writ Petitioner

2. The Panchayat Secretary,
Arasakulam Panchayat ,
Kariyapatti,
virudhunagar District

3. The Inspector of Police
Aaviyur Police Station ,
Virudhunagar District

4. G. Karalam,

5. G. Muthukumar

6. G. Karmegam,

7. G. Balakrishnan,

8. S. Soliappan ,

9. S. Mummoorthi,

10. R. Somu,

11. A. Karalam,

12. A. Karthi,

13. Naga Chanderan,

14. M. Rajendran,

15. Velmurugan,

... Respondents 2 to 15 / Respondents 4 to 7

Prayer in WMP(MD). 23774/ 2023 :

Writ miscellaneous Petition is Filed Under ART.226 of the Constitution of India to grant extension of time for a further period of six months to complete the land acquisition proceedings as directed by this Honble Court in the order in W.P. (MD).No. 22843 of 2021 dated 28.06.2023 and to pass such further or other orders as this Court .

Prayer in WP(MD). 22843/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining



to the impugned order passed by the 3rd respondent in Na.Ka.B3/1641/2021 dated 11/12/2021 and quash the same.

WMP(MD). No.23775 of 2023:-

1. The District Collector,
Virudhunagar District,
Virudhunagar 626 002
2. The Tahsildar,
Kariapatti Taluk,
Kariapatti -626106
Virudhunagar District.
3. The Block Development Officer,
(Village panchayats)
Block Development Office,
Kariapatti-262106,
Virudhunagar District.

Vs

... Petitioners/Respondent 1 to 3

1. S.Mummoorthi
2. The Secretay
Arasakulam Panchayat,
Arasakulam 626 115,
Kariapatti Panchayat Union,
Virudhunagar District

... 1st Respondent / Writ Petitioner

3. Naga Chanderan
4. M.Rajendran
5. Velmurugan

... Respondents 2 to 5

Prayer in WMP(MD). 23775/ 2023 :

Writ miscellaneous Petition is Filed Under ART.226 of the Constitution of India to grant extension of time for a further period of 6 months to complete the land acquisition proceedings as directed by this Honble Court in the order in WP(MD) 1404/2022 dated 28.06.2023 and pass such further or other orders as this Court.



Prayer in WP(MD). 1404/ 2022 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to remove their unauthorized formation of road in the petitioners agriculture patta land, situated in Survey Nos. 75/2A1B2 in Arasakulam Village, Kariapatti Taluk, Virudhunagar District and consequently directing the respondents to award a monetary compensation of Rs. 3 lakhs to the petitioner for the loss and damages caused to his patta land and standing crops.

ORDER:- These Petitions coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/s. Veerakathiravan, AAG Assisted by Mr.M.Senthil Ayyanar, Government Advocate for the Petitioners in WMP(MD)No. 23773 to 23775/2023 and of M/s.F.X.Eugene For R1, M/s.J.Ashok For R2, Mr.T.Lajapathi Roy, Sr.Counsel For S.Rajasekar For R3 to R5, in WMP(MD)No. 23773/2023 and of M/s.N.Jeyaram Sidharth For R1, M/s.J.Ashok For R2, Mr.Veerenthiran, Government Advocate for R3, M/s.F.X.Eugene For R4, Mr.T.Lajapathi Roy, Sr.Counsel For S.Rajasekar For R13 to R15, in WMP(MD)No. 23774/2023 and of M/s. F.X.Eugene For R1, M/s.J.Ashok For R2, Mr.T.Lajapathi Roy, Sr.Counsel For S.Rajasekar For R3 to R5, in WMP(MD) No. 23775/2023, this court made the following order.

(Order of the Court was made by **S.M.SUBRAMANIAM, J.**)

This Court passed a common order dated 28.06.2023 in W.P.(MD)Nos.22843 of 2021, 1403 & 1404 of 2022, which reads as follows:-

“ 5.If the Government concedes the title of the petitioners, only then, it can acquire the land. Therefore once acquisition proceedings are initiated, the appeal will automatically become infructuous. We, therefore, direct the Government to acquire the lands by paying the compensation under the Right to Fair Compensation and Transparency in Land Acquisition,



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Rehabilitation and Resettlement Act, 2013. We make it clear that the solatium and additional amount and interest payable under the said Act will have to be calculated from the date on which the trespass was committed by the Government over the private patta lands by laying a road. They cannot claim that the notice under Section 11 was issued subsequently and therefore, additional amount will be paid only from that date. The land acquisition proceedings shall be completed within a period of four months from today. If the land acquisition is not completed within the period of four months from today, the petitioners will be at liberty to remove the road and the revenue authorities shall not interfere in such removal. The Superintendent of Police, Virudhunagar District will provide adequate police protection to the petitioners to remove the road in the event of the acquisition not being completed within the said period of four months. The completion of acquisition would mean the payment of the entire compensation.

6.It is also seen that the petitioner in W.P.No.22843/2021 was arrested and lodged in prison for 15 days on a complaint made by the Panchayat Secretary, Tmt.Anusuya Sundarraaj, even during the pendency of these writ petitions in this Court.



She has filed an affidavit today and she is also present in Court. But the lodging of an FIR by the Panchayat Secretary is clearly an action to threaten and browbeat the petitioner to submission. Hence, the Government will pay the compensation of Rs.3,00,000/- (Rupees three lakhs only) to the petitioner in W.P.(MD) No.22843/2021. It will be open to the Government to recover the said sum of Rs.3,00,000/- from the concerned officers, who are responsible for laying the road.

7.If the petitioners choose to challenge the land acquisition proceedings, the time line fixed will not apply. It is brought to our notice by the learned counsel for the petitioners in W.P.(MD) Nos.1403 and 1404/2022 that the road bisects the agricultural land. With a view to make it viable for cultivation, the respondents are directed to provide culverts in three or four places along the road. The petitioners will be entitled to claim severance compensation in the land acquisition proceedings.”

2.This Court granted four months time to complete the land acquisition proceedings to the petitioners before us. However, the process was not commenced during the relevant point of time.



3.The learned Additional Advocate General appearing for the petitioners drew our attention with reference to the SLP filed by one of the respondents in SLP.(Civil) No.21443 of 2023 and the Hon'ble Apex Court dismissed the said SLP on 03.10.2023.

4.The grievances of the petitioners are that the respondents without even affording an opportunity to the State to complete the proceedings destroyed the road, which is under public usage. The present petitions are filed, seeking extension of time to complete the acquisition proceedings and form a road for the benefit of the people of that village.

5.The learned Additional Advocate General appearing for the petitioners has made a submission that the land acquisition proceedings are yet to be commenced, since approvals are to be obtained from the Government level.

6.Taking note of the facts and circumstances of the case, we are inclined to extend the time for another four months from the date of receipt of a copy of this order.



7. With this direction, these Writ Miscellaneous Petitions are ordered.

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Sd/-

Assistant Registrar(CS I)

// True Copy //

/12/2023

Sub Assistant Registrar(CS)

TO

1. The District Collector,
Virudhunagar District,
Virudhunagar 626 002
2. The Tahsildar,
Kariapatti Taluk,
Kariapatti -626106
Virudhunagar District.
3. The Block Development Officer,
(Village panchayats)
Block Development Office,
Kariapatti-262106,
Virudhunagar District.
4. The Inspector of Police
Aaviyur Police Station ,
Virudhunagar District
5. The Secretay
Arasakulam Panchayat,
Arasakulam 626 115
Kariapatti Panchayat Union
Virudhunagar District.



+ 2 CC to M/S.F.X.Eugene, Sr.53190,53191

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ORDER DATED : 24/11/2023

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ORDER

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WMP(MD). No.23773 to 23775 of 2023

in

WP(MD)No.22843 of 2021 & 1403 & 1404 of 2022

Giving direction and etc.

as stated within.

MK/20.12.2023 10P 8C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023