



W.P(MD)No.28610 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28610 of 2023

and

W.M.P.(MD)No.24676 of 2023

M.Sethupathy

... Petitioner

Vs.

1.The Principal Secretary to the Government
and Commissioner of Land Administration,
Chennai.

2.The District Collector,
Karur, Karur District.

3.The Special District Revenue Officer,
Land Acquisition,
Kaveri-Vaigai-Kundaru Linking Project,
Karur District.

4.The Special Tahsildar,
Land Acquisition-Division-3,
Kaveri-Vaigai-Kundaru Linking Project,
Kulithalai, Karur District.

... 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 relating to the impugned proceedings of the



W.P(MD)No.28610 of 2023

3rd respondent in Na.Ka.A1/266/2023/Ka.Vai.Ku dated 21.11.2023 and quash the same as illegal and consequently directing the 3rd respondent to fix the market value for acquisition of the petitioner's properties in S.No.926/2A and 914/4A, in Nangavaram South-1 Village, Kulithalai Taluk, Karur District for the project of Kauveri-Vaigai-Kundaru linking scheme as value mentioned in the records available in Sub-registrar office Nangavaram Karur District in the light of the circular of the 1st respondent in M2/7304/2018, dated 16.10.2020 within time limit as prescribed by this Court.

For Petitioner : Mr.T.Ramesh

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

ORDER

Heard both sides.

2.The petitioner's lands have been acquired under the provisions of the Central Act 30 of 2013. The petitioner contends that the award enquiry is not being fairly conducted. According to him, valuation must be on square feet basis and not on acreage basis. This stand of the petitioner is contested by the learned Special Government Pleader. He



W.P(MD)No.28610 of 2023

would argue that a small extent of land was purchased by the petitioner virtually on the eve of acquisition proceedings. I do not want to go into such contentious issue at this stage. The petitioner has to be necessarily put on notice. He has to be heard during award enquiry. The land acquisition officer has to bear in mind the statutory principles set out in Sections 26, 27 and 28 of the Act. Award has to be passed and the copy of the same has to be served on the petitioner. The petitioner can very well receive the award amount without prejudice to his right to seek further enhancement. In my view, the petitioner need not have any cause for worry. His right to receive proper compensation is adequately protected by the statutory scheme.

3.Mandating the respondents to adhere to the statutory scheme, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

05.12.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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W.P(MD)No.28610 of 2023

G.R.SWAMINATHAN, J.

ias

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