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W.P(MD)No.30057 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.30057 of 2023

and

W.M.P.(MD)Nos.25932 & 2593 of 2023

S.S.N.Vijayan

... Petitioner

Vs.

1.The Special District Revenue Officer (Land Acquisition),
Tamil Nadu Road Sector Project-II,
Trichy.

2.The Assistant Divisional Engineer,
Tamil Nadu Road Sector Project-II,
Tenkasi.

... Respondents

Prayer : Writ Petition 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 Roc.No.297/2014/A3(SH-39 Main Dry) dated 16.10.2023 passed by the 1st respondent and quash the same as illegal and void and consequently direct the 2nd respondent as not to demolish the petitioner property situated in Survey No.423/2B(0.09.95) hectare at Alangulam main road, Tenkasi.

For Petitioner : Mr.D.Selvam

For Respondents : Mr.C.Satheesh
Government Advocate



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ORDER

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Heard both sides.

2. The petitioner's land have been acquired under the provisions of the Tamil Nadu Highways Act, 2001. The grievance of the petitioner is that till date, he has not been furnished with the copy of the award. His further grievance is that whatever amount determined by the authorities was deposited in the Court and not paid to him. His yet another contention is that the interest component has not been properly calculated.

3. The learned Government Advocate submitted on the other hand that the respondents have quantified the compensation payable to the petitioner at Rs.87,21,693/- and the said amount has been deposited to the credit of the Principal District Judge, Tirunelveli under Section 22(3) of the Act. According to the respondents, there is no merit in the writ petition.

4. I carefully considered the rival contentions and went through the materials on record. There is no dispute that the acquisition proceedings have been initiated under the provisions of Tamil Nadu Highways Act, 2001. I wanted to know from the learned Government Advocate as to when the award copy was actually served on the petitioner. Proof of service has not been placed



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before this Court. The first respondent is directed to send a copy of the award to the petitioner through registered post or in the alternative, the petitioner can appear before the first respondent on 22.12.2023 at 11.00 am and receive the copy of the award. Limitation will start only from the said date for the purpose of reference under Section 20 of the Act. It is admitted by the respondents that the compensation amount as determined by them has been deposited before the Principal District Judge, Tirunelveli under Section 22(3) of the Act. It appears that the respondents are of the view that the society with which the petitioner is having transaction is entitled to the portion of the award amount. I do not want to go into this controversy. The first respondent is directed to make a formal reference under Section 21(2) of the Act. Reference shall be made immediately and without any delay. The learned Principal District Judge, Tirunelveli shall receive the same and after notice to the petitioner and other interested parties if any, decide the issue as regards withdrawal of the aforesaid compensation amount alone. Decision on merits and in accordance with law will be taken by the learned Principal District Judge, Tirunelveli within a period of 12 weeks from the date of receipt of a copy of this order. This direction is given to the learned Principal District Judge on assumption that within 21 days, reference will be made by the first respondent under Section 21(2) of the Act.



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5. With the aforesaid direction to the first respondent and liberty to the petitioner to seek higher compensation under Section 20 of the Act and for withdrawal of the amount already deposited under Section 21(2) of the Act, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

18.12.2023

Index : Yes / No
Internet : Yes/ No
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NOTE:Issue Order Copy on 21.12.2023.

To

- 1.The Special District Revenue Officer (Land Acquisition),
Tamil Nadu Road Sector Project-II,
Trichy.
- 2.The Assistant Divisional Engineer,
Tamil Nadu Road Sector Project-II,
Tenkasi.



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G.R.SWAMINATHAN, J.

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