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W.P.No.5934 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2024

CORAM :

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.5934 of 2019

1.E.Radha Krishnan

2.P.Kannan

... Petitioners

Vs.

1.The Special Tahsildar (Adhi Dravida Welfare),
Villupuram – 605 602.

2.The District Collector,
Villupuram District, Villupuram.

3.The Principal Secretary to Government,
Department of Adi Dravidar and
Scheduled Caste Welfare,
Fort St.George, Chennai – 600 009.

4.The Director,
Adi Dravidar Welfare,
Chepauk, Chennai – 600 005.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, to direct the respondents to pay compensation as per the guideline value of Rs.120 per sq.ft. for the lands comprised in S.No.240/2 measuring 0.35.5 hectare and 241/2 measuring 0.52.0 hectare, 1st petitioner, S.No.240/2, extent 0.88.0 Acre (38,212 sq.ft.) Rs.45,85,440/-,



W.P.No.5934 of 2019

Rs.32,09,808/- (70%), 2nd petitioner, S.No.241/2, extent 1.28.0 Acre (55,972 sq.ft.) Rs.67,16,640/-, Rs.47,01,648/- (70%), deducting the 70% amount already paid.

For Petitioners : Mr.K.Sivakumar

For Respondents : M/s.M.Jayanthy
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking for issuance of a mandamus, to direct the respondents to pay compensation as per the guideline value of Rs.120 per sq.ft. for the lands comprised in S.No.240/2 measuring 0.35.5 hectare and 241/2 measuring 0.52.0 hectare, 1st petitioner, S.No.240/2, extent 0.88.0 Acre (38,212 sq.ft.) Rs.45,85,440/-, Rs.32,09,808/- (70%), 2nd petitioner, S.No.241/2, extent 1.28.0 Acre (55,972 sq.ft.) Rs.67,16,640/-, Rs.47,01,648/- (70%), deducting the 70% amount already paid.

2. The case of the petitioners is that aggrieved by the acquisition of land, they filed a writ petition before this Court in W.P.No.9772 of 2005 challenging the land acquisition and Section 6 declaration under the Land Acquisition Act, 1984 and consequently to cancel the Patta issued in favour of the beneficiaries. The said writ petition came to be allowed. Since the order passed in the said writ petition has not been complied with, the petitioners moved a contempt



W.P.No.5934 of 2019

petition in Cont.P.No.955 of 2013. In the contempt proceedings, negotiations in regard to payment of compensation was arrived and the third respondent accepted and issued Government Order to pay compensation at 70% of the guideline value.

3. According to the petitioners, they are entitled to the compensation as per the new guideline value at Rs.120/- per sq.ft., whereas, the respondents calculated the compensation as per the new Act which is inadequate. Hence, the petitioners have come forward with the present writ petition seeking a direction to the respondents to pay the compensation as per the guideline value of Rs.120/- per sq.ft. for acquisition of their land comprising in S.Nos.240/2 and 241/2 situated at Kondur Village, Villupuram Taluk, Villupuram District.

4. Learned Additional Government Pleader appearing for the respondents has filed Counter Affidavit in which, it is stated that the petitioners/land owners have agreed for payment of 70% of the guideline value out of Rs.120/- per sq.ft., which was fixed by the Private Negotiation Committee in presence of the second respondent the District Collector, Viluppuram District. Based on the land value fixed by the Private Negotiation Committee, which was accepted by the petitioners/land owners, the first petitioner registered his land in favour of



W.P.No.5934 of 2019

the Government vide Doc.No.80/2018 dated 11.01.2018, at Sub Registrar Office, Valavanur, Viluppuram District and the second petitioner registered his land in favour of the Government vide Doc.No.230/2018 dated 31.01.2018 at Sub Registrar Office, Valavanur, Viluppuram District respectively.

5. Learned Additional Government Pleader appearing for the respondents further submitted that since the petitioners have taken part of the private negotiation meeting held on 05.05.2016, accepted the compensation at the rate of 70% of the guideline value by way of a written statement and also executed the documents/Sale Deeds in favour of the Government way back in the year 2018, in any by which, the compensation was handed over forthwith and they do not have any *locus standi* to maintain this writ petition.

6. Learned counsel appearing for the petitioners submitted that the petitioners may be permitted to give a representation to the second respondent the District Collector, Viluppuram District.

7. In view of the above submission, the petitioners are directed to give a representation to the second respondent the District Collector, Viluppuram District, within a period of two weeks from the date of receipt of a copy of this



W.P.No.5934 of 2019

order and the second respondent the District Collector, Viluppuram District is directed to consider the same on merits, in accordance with law and pass appropriate orders within a period of six weeks thereafter.

8. This Writ Petition is disposed of with the above observations and directions. No costs.

09.07.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation : Yes/No

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To

- 1.The Special Tahsildar (Adhi Dravida Welfare),
Villupuram – 605 602.
- 2.The District Collector,
Villupuram District, Villupuram.



W.P.No.5934 of 2019

3.The Principal Secretary to Government,
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W.P.No.5934 of 2019

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