



WEB COPY



W.P.No.30181 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2024

CORAM

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.30181 of 2019

and

W.M.P.Nos.30142 & 30143 of 2019

1.P.Jayaraman
2.P.Krishnamurthy
3.P.Soundararajan

... Petitioners

Vs.

1.The Government of Tamil Nadu,
rep. by its Secretary to Govt.,
Revenue Department and Disaster Management Department,
Fort St.George, Chennai 600 009.

2.The Special Commissioner & Commissioner of
Land Administration,
Ezhilagam Complex”, Chepauk, Chennai 600 005.

3. The District Collector,
Salem District, Collectorate, Salem.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, for
issuance of a Writ of Certiorarified Mandamus, calling for the records
relating to the order of the 1st respondent dated 26.02.2018 in Letter (1-D)



W.P.No.30181 of 2019

No.78 and quash the same and consequently, direct the 1st respondent to pay due compensation for the lands of the petitioners measuring 1.44 acres in Survey Numbers 33/6 and 33/7, Block No.27, Ward “H” of A. Andipatti Village, Salem Taluk, Salem District.

For Petitioners : Mr.K.Selvaraj

For Respondents : Mr.A.Selvendran
Special Government Pleader

ORDER

The petitioner has filed this writ petition to call for the records of the first respondent relating to his order in Letter (1-D) No.78 dated 26.02.2018 and quash the same and to issue a consequential direction to the 1st respondent to pay due compensation for the lands of the petitioners measuring 1.44 acres in Survey Numbers 33/6 and 33/7, Block No.27, Ward “H” of A. Andipatti Village, Salem Taluk, Salem District.

2. The case of the petitioner is that the petitioner's father has purchased the lands from Subramania Chettiar and Chocklinga Chettiar



W.P.No.30181 of 2019

which was assigned to them by the landholders on 09.01.1937 for cultivation purposes on payment of kist. On 05.05.1992, the second respondent has ordered that the petitioner's father is entitled for the grant of patta for the lands in Survey Numebrs 33/6, and 33/7 under Section 19-A of the Tamil Nadu Estates (Abolition & Conversation into Ryotwari) Act, 1948. The first respondent without conducting any enquiry and without any payment of compensation for the lands of the petitioner's father has permitted the Tamil Nadu Slum Clearance Board to enter upon the said land and to put up the tenants in the lands of the petitioner's father. On 22.09.2006 the petitioners have sent a representation to the respondents for payment of compensation to them. On receipt of the said representation of the petitioners dated 22.09.2006, the second respondent has recommended to the first respondent for payment of compensation to the petitioners. On 30.11.2006, the first respondent has directed the second respondent to take action on the representation of the petitioners. Since, no action has been taken on the said representation, the petitioners have come forward with the present writ petition seeking for the aforesaid relief.



WEB COPY



W.P.No.30181 of 2019

3. The learned counsel appearing for the petitioners submitted that the petitioners have given a representation dated 09.05.2017 to pay the compensation to the land an extent of 1.44 acres in S.No.33/6 and 33/7, Block No.27, Ward “ H” of A.Andipatti Village, Salem Taluk and District. Since the sale was not considered, the petitioner has filed W.P.No.23829 of 2017 to direct the respondent to pay due compensation for the lands of the petitioners. This Court by order dated 09.05.2017 has directed the first respondent to consider the representation of the petitioners and the same was rejected on 26.02.2018. Aggrieved by the above order passed by the first respondent, the petitioner has filed the present writ petition before this Court.

4. The learned counsel appearing for the petitioners has drawn attention of this Court to recommendation of the Commissioner of Land Administration in CLA Lr.No.K1/29286/99 dated 09.06.2000 to the first respondent, Secretary to the Government, Revenue Department, Chennai. The first respondent without considering the recommendation of the



W.P.No.30181 of 2019

second respondent, Special Commissioner, Commissioner of Land Administration dated 09.06.2000 and rejected the representation of the petitioners vide the Impugned Letter (1D)No.78, dated 26.02.2018.

5. The learned Additional Government Pleader for the respondents submitted that the first respondent will consider the issue afresh taking into consideration the recommendation made by the second respondent on 09.06.2000 and the relevant para is extracted hereunder for better appreciation of understanding :-

“5..... In the instant case also direction was issued under Sec.19A to remain in possession in May 1992 Subsequently in December 92, enter upon permission was granted to Tamil Nadu Slum Clearance Board pending of finalization of alienation. As such the petitioners herein should have been given an opportunity of being heard before passing the orders. However, based on the conditions already imposed at the time of the issue of orders under Sec. 19-A the lands can be resumed, but subject to payment of compensation for such right enjoyed by the individual as already considered in a similar case in [G.O.Ms.No.1362](#), Commercial Tax and Religious Endowments Department, dated 10.11.78.)”.



WEB COPY



W.P.No.30181 of 2019

6. In view of the above said recommendation and the submissions made by the learned counsel on either side, the order passed by the first respondent dated 26.02.2018 is set aside and the first respondent is directed to consider the case of the petitioner for payment of compensation by taking into consideration, the recommendation of the Commissioner of Land Administration (second respondent) dated 09.06.2000 and 19.08.2008 within a period of eight weeks from the date of receipt of a copy of this order.

7. Needless to state, before passing such order, the second respondent shall comply with the principles of natural justice by affording an opportunity of hearing to the petitioner.

8. This Writ Petition is disposed of with the aforesaid observation and direction. No costs. Consequently, connected miscellaneous petitions are closed.



W.P.No.30181 of 2019

10.06.2024

Internet : Yes/No
Index : Yes/ No
Neutral Citation : Yes/No
kkd

To

- 1.The Secretary to Govt.,
Revenue Department and Disaster Management Department,
Fort St.George, Chennai 600 009.
- 2.The Special Commissioner & Commissioner of
Land Administration,
Ezhilagam Complex”, Chepauk, Chennai 600 005.
3. The District Collector,
Salem District, Collectorate, Salem.



WEB COPY



W.P.No.30181 of 2019

J.SATHYA NARAYANA PRASAD,J.

kkd

W.P.No.30181 of 2019

10.06.2024