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W.P.No.33414 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.33414 of 2024

P.Thulasi

Vs.

... Petitioner

- 1.The District Collector
Office of The District Collector,
Ranipet
- 2.The Land Acquisition Officer And
Revenue Divisional Officer,
Office Of The District Collector, Ranipet
- 3.The Special Tahsildar
Land Acquisition And Management,
Ranipettai District(I/C)
Special Tahsildar (Land Acquisition) CKICP,
Arakonam Wing
- 4.The Divisional Engineer(Projects Division)
Highways Department, Vellore.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India
praying for issuance of a writ of Mandamus, directing the 1st respondent to
refer the petitioner claim seeking for just and fair compensation as



contemplated under section 20 of the TamilNadu Highways Act 2001 pursuant to the petitioners representation dated 5.1.2024 with respect to the petitioners land comprised in Survey No.41/1C and 41/1B2 of Melakalathur village, Nemili Taluk, Ranipettai District measuring to an extent of 1732 square meters, acquired under Award/proceedings of 1st respondent in Na.Ka.Ni.A.Me.E1/3546/2019 dated 27.10.2023 for construction of over bridge in lieu of existing level crossing No.37 at Railway Km 80/6-8 at Anvarthikanpet village, Nemili and Arakkonam Taluk, Ranipettai District.

For Petitioner : M/s.M.Himavanth

For Respondents : M/s.S.Selvendran, Special G.P.
for R.1 to R4.

ORDER

The petitioner's seeks the following reliefs:-

"directing the 1st respondent to refer the petitioner claim seeking for just and fair compensation as contemplated under section 20 of the TamilNadu Highways Act 2001 pursuant to the petitioners



WEB COPY



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representation dated 5.1.2024 with respect to the petitioners land comprised in Survey No.41/1C and 41/1B2 of Melakalathur village, Nemili Taluk, Ranipettai District measuring to an extent of 1732 square meters, acquired under Award/proceedings of 1st respondent in Na.Ka.Ni.A.Me.E1/3546/2019 dated 27.10.2023 for construction of over bridge in lieu of existing level crossing No.37 at Railway Km 80/6-8 at Anvarthikanpet village, Nemili and Arakkonam Taluk, Ranipettai District."

2. The petitioner's contention is that he is the absolute owner of the agricultural Punja Lands comprised in S.No.41/1/ and 41/1B2 measuring an extent of 0.02 cents and 1 acre and 0.06 cents equivalent to 872 & 46216 Sq.ft. or 4293.571 square meters, situate at Melkalathur Village, Nemili Taluk, Ranipettain District, by way of a registered settlement deed dated 22.11.1985.

3. The petitioner would submit that for the purpose of constructing a road over bridge over the existing level Crossing No.37 at railway



Kilometres. 80/6-8 at Anvarthikanpet Village, Nemili and Arakkonam Taluk, Ranipettai District, the petitioner's lands were proposed to be acquired. For the said construction, the petitioner's land to an extent of 0.0791 cents and 42.017 cents in S.No.41/1C and 41/1B2 respectively was sought to be acquired. The petitioner would submit that from the date of the notification, he has been demanding a fair compensation of Rs.2,000/- per sq.ft. On 18.08.2021, the petitioner was called for an enquiry by the 3rd respondent. The petitioner had appeared before the Land Acquisition Officer but however no enquiry took place.

4. The petitioner would submit that he had also requested the District Collector, the 1st respondent to conduct an enquiry for fixing the value of the land which was also not considered. However, the authorities had compelled him to forcibly execute a sale deed dated 12.12.2023 without even paying the compensation. The petitioner was informed that the enquiry for higher compensation would be dealt with by the District Collector. However, within a week, a compensation of Rs.46,81,434/- for an extent of 1732 square meter of land and Rs.16,09,510/- for the coconut trees and rice mill. In all a sum of Rs.62.90.944/- was deposited to his



account on 18.12.2023.

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5. Thereafter, the petitioner had immediately made a representation to the authorities concerned on 05.01.2024 seeking a copy of the award. The award copy was enclosed and sent to the petitioner through the 1st respondent's proceedings dated 27.10.2023 and the petitioner was advised to approach the District Collector for further clarification.

6. The petitioner would submit that a mere perusal of the proceedings of the District Collector dated 27.10.2023 would clearly show that the compensation was not determined by private negotiation. The petitioner's several representations for enhancement of compensation have not even been referred to. Therefore, it is crystal clear that the amount arrived at was one without an enquiry and contrary to the provisions of the Tamil Nadu Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act (hereinafter called as the Act). Since there was no consensus, an onus is cast upon the District Collector under Section 19 of the Act to determine the compensation after hearing the land owners. Therefore, the petitioner had given a



W.P.No.33414 of 2024

representation dated 05.01.2024 calling upon the 1st respondent to refer the petitioner's claim for seeking enhanced compensation. Since, the request has not been considered, the petitioner has filed the above Writ Petition.

7. Heard the counsels on either side.

8. A perusal of the records would clearly indicate that the properties have not been acquired by resorting to the provisions of the Act. It is also to be noted that the petitioner's objections have not been considered by the authorities concerned and while arriving at the compensation the provisions of the Act have not been taken into consideration. Therefore, the Writ Petition is allowed. A mandamus is issued to the respondents to consider the petitioner's representation dated 05.01.2024 seeking fair compensation within a period of 2 months from the date of receipt of a copy of this Order. No costs.

19.11.2024

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No



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