



W.P.No.2697 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2024

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.2697 of 2024

and

W.M.P.Nos.2976 and 2977 of 2024

K.Srinivasan

... Petitioner

versus

1.The Principal Secretary,
Revenue Department, Government of Tamil Nadu,
Fort St.George, Chennai – 600 009.

2.The Collector,
Kallakurichi District,
Kallakurichi.

3.The District Registrar,
Kallakurichi District,
Kallakurichi.

4.The Special Thasildar,
Land Acquisition,
Villupuram District.

.....Respondents



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Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records connected with the petitioner's land 0.18.00 ares in S.No.398/6A1B registered by the Government bearing Registration No.2787/2020 at Thiyaagathurugam Sub Registrar Office and the proceedings initiated by the District Collector, Kallakurichi vide Na.Ka.No.Aa1/0052/2019, dated 20.05.2022 herein and to quash the same herein to direct them to return the petitioner's above said land on receipt of their payment.

For Petitioner : Mr.S.K.Saamy

For Respondents : Mr.A.Selvendran
Special Government Pleader
for R1, R2 and R4

Mr.Yogesh Kannadasan
Special Government Pleader for R3

ORDER

Mr.A.Selvendran, learned Special Government Pleader accepts notice for respondents 1, 2 and 4 and Mr.Yogesh Kannadasan, learned Special Government Pleader accepts notice for the third respondent. With



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the consent of both the parties, the writ petition is taken up for final disposal at the admission stage itself.

2. This writ petition has been filed to quash the impugned proceedings in Na.Ka.No.Aa1/0052/2019, dated 20.05.2022, initiated by the second respondent herein and consequently direct them to return the petitioner's land in S.No.398/6A1B, measuring an extent of 0.18.00 ares, situated at Veerashozhapuram East Village, Kallakurichi Taluk, Kallakurichi District, which was given to the Government by way of sale vide sale deed dated 19.09.2020 registered as Document No.2787/2020 at Thiyaagathurugam Sub Registrar Office on repaying the amount which was given to him by the Government.

3. Heard both sides and perused the materials available on record.

4. On a perusal of the records, it is seen that the petitioner herein has already filed a writ petition in W.P.No.35346 of 2019 for allotment of



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alternative land or to pay the compensation by determining the value of the subject property, which was acquired for the purpose of pathway to the District Headquarters building, in accordance with the 'Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013' [herein after referred to as 'the New Act, 2013'].

This Court by an order dated 31.01.2022 disposed of the said writ petition.

The relevant paragraphs are paragraph Nos.4 and 5 are extracted hereunder :

"4.While pending the writ petition, the petitioner also executed sale deed in favour of the second respondent on 19.09.2020. However, the petitioner made request to provide alternative site on returning the entire compensation amount, which was received by the petitioner.

5. In view of the above, the second respondent is directed to consider the request made by the petitioner, after issuance of notice to the petitioner and after giving opportunity of hearing to the petitioner, pass orders on merits and in accordance with



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law, within a period of eight weeks from the date of receipt of a

WEB COPY *copy of this order."*

As per the directions of this Court dated 31.01.2022, the District Collector, Kallakurichi, conducted an enquiry on 22.04.2022 and the petitioner also participated in the enquiry. After due enquiry, the second respondent passed the impugned order dated 20.05.2022 stating that there is no provision of law to provide alternative land to the petitioner after receiving the entire compensation amount, which was fixed as per the New Act, 2013. It is seen that the petitioner has already participated in the District Level Private Negotiation Committee meeting held at Villupuram Collector Office and expressed his willingness to execute a sale deed in respect of the subject land in favour of the Government and he has also agreed to receive the compensation of Rs.16,38,351/- and also executed a sale deed in favour of the Government.



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5. Hence, this Court is of the view that since the respondents have clearly stated that there is no possibility to provide alternative land to the petitioner and the petitioner had already received the compensation amount, the relief as sought for in this writ petitioner cannot be granted. However, the petitioner is at liberty to work out his remedy in the manner known to law.

6. With the above liberty, this writ petition is dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

07.02.2024

Index: Yes/No

Speaking Order : Yes/No

Neutral Citation Case : Yes/No

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To

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Revenue Department, Government of Tamil Nadu,
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P.VELMURUGAN, J.

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