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W.P.(MD)NO.4270 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.4270 of 2024 AND

W.M.P(MD)No.4101 of 2024

1. N.Ravi
2. N.Ramesh
3. N.Thirumalai

... Petitioners

Vs.

1. The District Collector,
Thanjavur District, Thanjavur.
2. The District Revenue Officer,
Thanjavur District, Thanjavur.
3. The Revenue Divisional Officer,
Kumbakonam, Thanjavur District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to fix the fair compensations for the Teak trees standing on the petitioner's land in Survey Nos.211/4, 211/5, 212/1, 212/2, 212/3A, 212/3B, 212/4A, 212/4B, 212/5, 212/7, 212/8A, 212/8B, 212/8C, 212/9, 212/10, 213/2A, 213/2B, 213/1 and 213/3A in Thittaicheri Village, Thiruvudaimaruthur Taluk, Thanjavur District based on the Valuation Report submitted to the 1st respondent, the District Collector, Thanjavur by the District Forest Officer, Thanjavur dated 03.10.2022 vide his proceedings in C. No.4184/2020/A2, by considering the petitioner's representation dated 07.12.2023.



For Petitioner : Mr.G.Prabhu Rajadurai,
for Mr.J.Parekh Kumar.

For Respondents : Mr.R.Baskaran,
Additional Advocate General,
assisted by,
Mr.V.Nirmal Kumar,
Government Advocate.

* * *

ORDER

Heard the learned counsel on either side.

2. The petitioners' lands have been acquired. The award is yet to be passed. The petitioners have rushed to this Court even before the Revenue Divisional Officer/ third respondent herein could pass his award. The reason which impelled the petitioner to file this writ petition was that the Revenue Divisional Officer had obtained two reports from the District Forest Officer, Thanjavur Division. The first report dated 03.10.2022 addressed to the District Collector, Thanjavur sets out the potential value. The second reported dated 27.12.2023 sets out the present value. The question is whether the potential value should be taken or the present value should be taken.



3. I am certain that the third respondent will apply the standard parameters while determining the compensation. This writ petition has been prematurely filed. If the award passed by the third respondent is not acceptable to the petitioners, they can always invoke the remedy under the Central Act 30 of 2013.

4. At the same time, I must take note of the contention advanced by the learned counsel appearing for the petitioners. The counter affidavit filed by the third respondent gives an indication as if he has predetermined the issue. The third respondent will ignore the stand taken in the counter affidavit and look at the issue afresh with an open mind. The petitioners shall be heard through their counsel by the third respondent. The petitioners are also at liberty to file written submissions. Before passing the award, the third respondent will take note of the same. This writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

04.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN,J.

PMU

To:

1. The District Collector,
Thanjavur District, Thanjavur.
2. The District Revenue Officer,
Thanjavur District, Thanjavur.
3. The Revenue Divisional Officer,
Kumbakonam, Thanjavur District.

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