



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)Nos.4341 & 4825 of 2024 AND

W.M.P.(MD)Nos.4169 & 4631 of 2024

K.Ganapathy

... Petitioner

in W.P.(MD)No.4341 of 2024

K.Pasupathy

... Petitioner

in W.P.(MD)No.4825 of 2024

Vs.

1. The Special Tahsildar,
Land Acquisition Block I,
Kaveri-Vaigai-Gundar Linking Canal Project,
O/o.Special Tahsildar,
Krishnarayapuram,
Karur District.

2. The Special District Revenue Officer,
Land Acquisition,
1220, Gandhigram North,
Pasupathipalayam Post,
Karur – 639 004.

3. Sethupathi

... Respondents

in both W.Ps.

Prayer in W.P.(MD)No.4341 of 2024 : Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to consider petitioner's representation dated 19.12.2023 and release compensation for lands acquired in S.No.2/17, 2/18, 2/19 of Karupathur Village, Krishnarayapuram Taluk, Karur District for Kaveri - Vaigai - Gundar Linking Canal Project, directly to



the petitioner without depositing it before the appropriate authority under Section 77 (1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Prayer in W.P.(MD)No.4825 of 2024 : Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to consider petitioner's representation dated 19.12.2023 and release compensation for lands acquired in S.No.2/13 and 2/19B of Karupathur Village, Krishnarayapuram Taluk, Karur District for Kaveri - Vaigai - Gundar Linking Canal Project, directly to the petitioner without depositing it before the appropriate authority under Section 77 (1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

(in both W.Ps.)

For Petitioners : Mr.G.Raghuvaran Gopalan

For R-1 & R-2 : Mr.P.Thambi Durai,
Government Advocate.

For R-3 : Mr.S.Saravanakumar

* * *

COMMON ORDER

Heard the learned counsel on either side.

2. K.Ganapathy, K.Pasupathy and Kandhasamy are siblings.

They are the sons of one Kunjappa Gounder. The partition takes place



among the three brothers on 04.08.2021. It was registered as document No.2198 of 2021 on the file of SRO, Krishnarayapuram. Subsequently, Kandasamy and his sons sold the portions of what was allotted to them in favour of one Sethupathi and others. One Prithi, grand daughter of Kandasamy filed partition suit in O.S.No.365 of 2022 on the file of the Sub Court, Kulithalai. In the meanwhile, acquisition proceedings were initiated for Kaveri - Vaigai - Gundar Linking Canal Project. The property that originally stood in the name of Kunjappa Gounder were acquired. Now compensation alone remains to be paid under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

3. Since Sethupathi's purchase has been attacked in the partition suit by the grand daughter of Kandasamy, he had written objection letters to the authorities in-charge of the project and the acquisition proceedings. His grievance is that the land purchased by him had not been surveyed and demarcated citing the said objections. The authorities now proposed to deposit compensation amount before the District Collector under Section 77(1) of the Central Act 30 of 2013. The writ petitioners herein are apprehensive of such a prospect. Their



apprehension is that the authorities have been giving what is known as incentive amount, if the land is voluntarily handed over without entangling the authorities in litigation. They also apprehend that getting withdrawal of the amount from the account would be a complicated process. Because of this reason, the present writ petitions came to be filed.

4. The learned counsel appearing for the third respondent submitted that if the land purchased by him should be demarcated and his interest should be projected.

5. It is seen that Prithi has not impleaded the writ petitioners herein. In fact, she does not even challenge the partition that had taken place among the three brothers. The petitioners herein were original co-owners of Kandasamy and now they stand in the capacity of divided owners. In these circumstances, the authorities are not justified in placing the writ petitioners on the same footing as that of Kandasamy / Kandasamy Branch or the purchasers from Kandasamy. The petitioners herein should be treated as persons who are ready to hand over and surrender possession of the lands without entangling them in litigation.



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6. I direct the Special Tahsildar / first respondent herein to involve the Revenue Tahsildar and undertake the task of demarcating and measuring the lands in question. This exercise of demarcation can even take place based on the records for the purpose of arriving at compensation amount payable to the writ petitioners herein. As far as the Kandasamy branch is concerned, they are with the third respondent Sethupathi. The issue will have to be independently worked out. I grant liberty to Sethupathi to file an independent writ petition before this Court.

7. The first respondent will quantify the compensation amount payable to the writ petitioners based on the partition deed dated 04.08.2021(document No.2198 of 2021). It is stated that there is a common well involved and it was not partitioned among the three brothers by metes and bounds. The well has been acquired for the project and the fact that it was not divided in the partition is no consequence at all. The authorities will have to pay compensation for the well based on the shares to each of the branches who are entitled to. In this view of the matter, the first respondent shall release the compensation to the



respective petitioners herein directly without depositing the same under

Section 77(1) of the Act(Central Act 30 of 2013). These writ petitions stand allowed. No costs. Consequently, connected miscellaneous petitions are closed.

08.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU

To:

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G.R.SWAMINATHAN,J.

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