



W.P.(MD) No.18574 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.08.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.18574 of 2024

and

W.M.P.(MD) No.15778 of 2024

K.Saravana Muthu

.. Petitioner

Vs.

1.The Land Acquisition Officer/
The District Collector,
Kanyakumari District.

2.The Special Tahsildar (Land Acquisition),
Railway Unit-1, Anbu Nagar,
Nagercoil, Kanyakumari District.

3.The Deputy General Manager,
Railway Vikas Nigam Ltd.,
Palayamkottai, Tirunelveli District.

4.The Revenue Divisional Officer,
Kanyakumari District at Nagercoil.

5.The Village Administrative Officer,
Vadiveeswaran East,
Agastheeswaram Taluk,
Kanyakumari District.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned order passed by the 1st Respondent in Na.Ka.No.U3/35636/2020 dated 20.12.2023 as mentioned property SEGMENT - II item No.17 comprised in Survey No.131/3C to an extent of 0.10.00 hectares situated at Vadiveeswaram Village, Agasteeswaram Taluk, Kanyakumari District and quash the same and consequently direct the respondents 2 and 3 to re-do the exercise by following the judgement of the Hon'ble Supreme Court and this Court in respect of deduction of one-third amount towards development charges and re-do the exercise of determining the land of value property at the current market conditions and fix fair compensation for the land acquired or to propose allotment of alternate land with same value.

For Petitioner : Mr.PR.Boomeerajan

For Respondents : Mr.D.S.Nedunchezhiyan
Government Advocate

ORDER

The petitioner has filed by the above writ petition seeking a certiorarified mandamus to quash the order of the first respondent dated 20.12.2023 in Na.Ka.No.U3/35636/2020 insofar as it relates to the property described in Segment-II, Item-17 comprised in S.No.131/3C



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measuring 0.10.00 H situate at Vadiveeswaram Village, Agasteeswaram Taluk, Kanyakumari District, and to direct the respondents to redo the exercise of determining the land value of property at the current market conditions and fix fair compensation for the land or allot alternate land with same value.

2. The writ petitioner, whose lands have been acquired for the Railway Line Expansion, has moved this Court on the ground that pursuant to the public notice dated 30.08.2021 published in the Dinakaran Newspaper on 09.09.2021, several lands in various survey numbers in Vadiveeswaram Village were acquired for the Railway Line Expansion. The petitioner's lands were also part of this notification. Thereafter, the petitioner has addressed letters both dated 06.10.2021 requesting the respondents to consider his objections regarding the fixation of land value and readiness to appear and cooperate with the proceedings. The objections of the petitioner and 18 other land owners were recorded. The petitioner was partly aggrieved by the one-third deduction towards the land development as determined by the first



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respondent. Therefore, since the method of fixing the land value was not based on the present guideline value, but on an earlier guideline value and without serving notice on the petitioner, the petitioner had submitted a letter dated 24.04.2023 to the first respondent objecting to the same and requesting the respondents to proceed afresh for fixing the compensation.

3. From the perusal of the writ petition, it is clear that the petitioner is not aggrieved by the acquisition *per se*, but is aggrieved by the compensation that has been ultimately determined. The lands have been acquired under the Tamil Nadu Acquisition of Land for Industrial Purpose Act, 1997 (hereinafter referred to as “the Act”), which is evident from the impugned order. It appears that after complying with the provisions of Section 3(2) and Section 3(1) of the Act, a final award under Section 7(11) of the Act has come to be passed, which is the subject matter of the writ petition.

4. Section 8(1) of the Tamil Nadu Acquisition of Land for Industrial Purpose Act, 1997 contemplates “reference to Court”. The



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said provision would read as below:

“8(1) Any person aggrieved by the decision of the Collector or the officer to whom the case was transferred, determining the amount may, within sixty days from the date of such decision, in so far as it affects him by application to the Collector or the officer to whom the case was transferred, require that the matter be referred by him for the determination of the Courts as defined on the Land Acquisition Act, 1894 and when any such application is made, the provisions of Part III of the said Act shall mutatis mutandis apply to further proceedings in respect thereof.”

5. Section 8(2) of the Act stipulates that it is only after the decision of the Court, the decision of the Collector determining the amount would become final. Therefore, in the light of Section 8(1) of the Act and taking into consideration the fact that the petitioner is aggrieved by the determination of the amount by the Collector, this Writ Petition is allowed and the first respondent is directed refer the matter to the Court as defined in the Land Acquisition Act, 1894. This exercise shall be



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completed within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

05.08.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

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To

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P.T.ASHA, J.

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