



W.P.(MD) No.20735 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.10.2024

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THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.P.(MD) No.20735 of 2024

MKM.Mohamed Shafi

... Petitioner

/vs./

1.The District Collector,
Inspector of Panchayats,
Tirunelveli District.

2.The President,
Chittarchathiram Panchayat,
Chittarchathiram Panchayat Union,
Tirunelveli District.

3.The District Revenue Officer,
Tirunelveli District.

4.The Tahsildar (Land Acquisition),
Solar Power Project Scheme,
SIPCOT Unit 2,
Maharaja Nagar,
Tirunelveli.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd Respondent to intimate the 4th Respondent, Tirunelveli to pay to the Petitioner the compensation for the lands which forms the part of the Gift Deed dated 02.07.2008 registered as Doc.No. 1975/2008 before the Sub Registrar, Gangaikondan.

For Petitioner : Mr.K.Vinoharan

For R1, R3 & R4 : Mr.P.Thambidurai
Government Advocate

ORDER

The above writ petition has been filed for the issue of a Writ of Mandamus directing the second respondent to pay compensation to the petitioner for the land which forms the part of the Gift Deed dated 02.07.2008 registered as Doc.No. 1975/2008 before the Sub Registrar, Gangaikondan.

2. The petitioner would contend that he and three others are the owners of the lands comprised in S.Nos.562, 563 and 566 to 569 at Chittarchathiram Village and S.No.1653 at Pirancheri Village, totally measuring an extent of 41.13 acres. These lands had been developed into a layout by the name Shifa Star City in the



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year 2008. Few plots had been sold. The petitioner would submit that they have gifted an extent of 11.95 acres to the Panchayat for forming the pathway. However, though the gift deed has been executed, possession continues with the petitioner.

3. Thereafter, it appears that the Government had issued a notification for acquiring the aforesaid lands for industrial purposes. The lands which were the subject matter of the gift deed dated 02.07.2008 in favour of the Panchayat also form a part of the acquisition proceeding. Therefore, the petitioner would submit that he and the co-owners are entitled to compensation in respect of the said lands. The petitioner would submit that he therefore sent a representation to the respondents 1 to 4 directing them to give compensation to the petitioner. However, no action has been taken to date and hence, the writ petition.

4. The third respondent has filed a counter *inter alia* contending that in view of the objections raised by the land owners and the general public, the acquisition proceedings in respect of S.Nos.562, 563 and 566 to 569 measuring an extent of 40.90 acres including the gifted area of 11.60 acres is proposed to be



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exempted from the acquisition proceedings. As regards the land in S.No.1653 measuring an extent of 1.48.00 hectares in Pirancheri village, notice has been issued to all the interested persons and the amount of compensation was directed to be given to the land owners. In respect of this land, the joint pattadhar one Mr.Ahmed Shah attended the Sec 7(2) enquiry, consented for the acquisition of his land and requested that the compensation at the rate of Rs.8,00,000/- per acre be given to him. However, no document had been produced to show the ownership.

5. The counter would further state that the notice under Section 7(5) of the Tamil Nadu Acquisition of Land under Industrial Purposes Act, 1997, fixing the award enquiry on 19.07.2024 was issued to all the land owners and the award enquiry was also conducted on the said date and the amount of compensation was also informed. It is also stated that the compensation of Rs.13,00,347/- is kept under 'K' deposit.

6. Heard the learned counsel on either side.



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7. The petitioner, who has formed the layout and had gifted the lands for the purpose of forming the road, now seeks a share in the compensation. The Panchayat to whom the gift deed has been executed is also staking a claim.

Section 8(1) of the Act would read as follows:-

"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 Court as defined in the Land Acquisition Act, 1894 (Central Act I of 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. "

8. Further, the petitioner's representation dated 01.08.2024 has not been disposed of. Therefore, a Mandamus is issued to the respondents to consider the petitioner's representation dated 01.08.2024 and pass appropriate orders on merits



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and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. Considering the fact that the acquisition is only with reference to S.No.1653, as the acquisition with reference to other survey numbers have been dropped, this order is restricted to S.No.1653.

9. The Writ Petition stands disposed of, accordingly. No costs.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

22.10.2024

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To

- 1.The District Collector,
Inspector of Panchayats,
Tirunelveli District.
- 2.The District Revenue Officer,
Tirunelveli District.
- 3.The Tahsildar (Land Acquisition),
Solar Power Project Scheme,
SIPCOT Unit 2,
Maharaja Nagar,

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P.T.ASHA, J.

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