



W.P.(MD)No.25227 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.11.2024**

CORAM:

THE HONOURABLE **MRS.JUSTICE N.MALA**

W.P.(MD)No.25227 of 2018

A.Veerassamy Konar

... Petitioner

/Vs./

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Revenue Divisional Officer,
RDO Office,
Aruppukottai,
Virudhunagar District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the second respondent to release Land Acquisition Award amount of Rs.2,99,180.00 with subsequent interest to the petitioner as per the second respondent's proceeding in Na.Ka.A2/6381/2003 dated 07.06.2004 within the period stipulated by this Court.

For Petitioner : Mr.M.Mohammed Sherbudeen

For Respondents : Mr.A.Kannan
Additional Government Pleader



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ORDER

This Writ Petition is filed for mandamus directing the second respondent to release Land Acquisition Award amount of Rs.2,99,180.00 with subsequent interest to the petitioner as per the second respondent's proceeding in Na.Ka.A2/6381/2003 dated 07.06.2004 within the period stipulated by this Court.

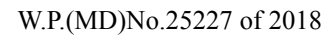
2.The petitioner and his brother acquired property in S.No. 226/1A to an extent of 48 cents, in S.No. 226/1C to an extent of 42 cents, in S.No.227/1 to an extent of 97 cents and in S.No.227/3 to an extent of 36 cents, totally 2 acres and 33 cents in Anaikuttam Village, Virudhunagar District from their father. The entire property was acquired by the Government under the Land Acquisition Act, 1894, for the purpose of construction of Anaikuttam Water Reservoir. The Special Tahsildar (LA), Anaikuttam Reservoir, passed an award in ROC.A.299/83 in Award No. 3/1984 on 30.04.1984, fixing the compensation at Rs.1331.60 and apportioned the same equally between the petitioner and his brother at Rs.655.80 each. Not satisfied with the award passed by the Special



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Tahsildar, the petitioner's brother Subbiah Konar sought for a reference under Section 28A of Land Acquisition Act on the basis of the judgment passed in LAOP.No.2 of 1999 dated 22.04.2003. The Revenue Divisional Officer, the second respondent, herein passed the order on 07.06.2004, enhancing the compensation to Rs.5,98,359.72/- for the entire extent of 2 acres and 23 cents. The petitioner's brother received Rs.2,99,180/-, but as the petitioner had no knowledge of the proceedings, he did not receive his share of Rs.2,99,180/-. While so, the petitioner filed W.P.No.525 of 2009 for enhancement of compensation but the same was dismissed on 23.01.2009. The petitioner thereafter submitted a representation on 18.4.2016, for enhancement of compensation and for disbursement of his share of the compensation. The second respondent vide the letter dated 25.05.2016 rejected the petitioner's representation. Under such circumstances, the petitioner filed the above Writ Petition for the aforesaid relief.

3. The respondents filed a counter stating that the petitioner's brother Subbiah Konar filed an application under Section 28A of the Land Acquisition Act. On consideration of the application, the



4. The learned counsel for the petitioner submitted that admittedly, the property belonged to the petitioner and his brother Subbiah Konar, The petitioner had half share in the property and he was entitled to 50% of compensation amount. It was at the instance of the petitioner's brother that compensation was enhanced under Section 28A of the Land Acquisition Act, and an award was passed on 07.06.2004, enhancing the compensation to Rs.5,98,359.72. The petitioner's brother received his half share of Rs.2,99,180/-, but when the petitioner approached the respondents for disbursement of his share, the respondents rejected the petitioner's representation on untenable ground that he had failed to approach them and also did not furnish the particulars. The learned



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counsel for the petitioner submitted that the petitioner's half share was lying with the respondents and therefore, the respondents ought to have disbursed the same to the petitioner. Denying to give the petitioner's share, on the ground that, as his brother alone approached them and no particulars were furnished by the petitioner and so he was not paid, was a frivolous excuse.

5. The learned Additional Government Pleader appearing for the respondents submitted that for want of particulars, the petitioner was not paid his half share of the compensation amount.

6. I have heard the learned counsels and perused the materials available on record.

7. It is seen that the Special Tahsildar, in his award dated 30.04.1984, specifically observed that the compensation amount fixed for the acquired lands was payable to the petitioner and his brother Subbiah Konar equally. Even the second respondent in his proceedings dated 07.06.2004, reiterated that the enhanced compensation of



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Rs.5,98,359.72/- was payable equally to the petitioner and his brother Subbiah Konar, but probably because in the said order, the name of the petitioner was wrongly mentioned as Subbiah Devar instead of Subbiah Konar, the petitioner was not disbursed his share.

8. Be that as it may, the respondents, having admitted the petitioner's half share in the compensation amount, ought to have disbursed the same to the petitioner on his request. The reason cited by the respondents in the counter that as the petitioner did not approach the second respondent for receipt of enhanced compensation and that he did not furnish the particulars are absolutely nonsensical and superficial. The denial of compensation to the petitioner is against the award of the Special Tahsildar and also the second respondent's own award under Section 28A of the Land Acquisition Act. The respondents with some efforts on their part could have traced the particulars themselves on the basis of his brother's application, but the respondents even without any effort on their side denied the petitioner's lawful due. The nonchalant and apathetic attitude of the respondents is to say the least, highly deplorable.



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9. In the light of the above, I am inclined to issue a direction.

Accordingly, the second respondent is directed to disburse the petitioner's half share of Rs.2,99,180/- along with accrued interest, if any, within a period of four weeks for the date of receipt of a copy of this order.

10. In the result, this Writ Petition is allowed. No costs.

11. Post this Writ Petition on **05.01.2025** for reporting compliance.

28.11.2024

Index : Yes / No
NCC : Yes / No
CM

TO:

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Revenue Divisional Officer,
RDO Office,
Aruppukottai,
Virudhunagar District.



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N.MALA, J.

CM

Order made in
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Dated:
28.11.2024