



W.P.(MD) No.22117 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.22117 of 2024

Ramesh

.. Petitioner

Vs.

- 1.The District Collector,
Theni.
- 2.The Principal Chief Conservator of Forest,
Chennai.
- 3.The Personal Assistant / Sub Collector,
to Collector (Land),
Theni District,
Theni.
- 4.The Chief Conservator of Forest,
Srivilliputhur Megamalai Tiger Reserve,
Race Course Road,
Madurai.
- 5.The Deputy Director / Wildlife Warden,
Srivilliputhur Megamalai Tiger Reserve,
Theni.
- 6.The District Forest Officer,
Theni District, Theni.

..Respondents



W.P.(MD) No.22117 of 2024

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the first respondent to acquire petitioner's land in Survey No.119 situated at Magamalai Village, Antipatti Taluk, Theni District to the extent of 7 Acres on the basis of G.O.(ms) 129 of 2022, dated 29.07.2022 and consequently, directing the first respondent to provide appropriate compensation to the petitioner as per private negotiation committee proceedings, dated 01.03.2023 based on the petitioner's representation, dated 11.01.2024.

For Petitioner : Mr.C.Raja

For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

The present writ petition has been filed for a Mandamus to the first respondent to acquire petitioner's land in Survey No.119 situated at Magamalai Village, Antipatti Taluk, Theni District measuring an extent of 7 Acres on the basis of G.O.(ms) 129 of 2022, dated 29.07.2022 and consequently, direct the first respondent to provide appropriate compensation to the petitioner as per private negotiation committee proceedings, dated 01.03.2023 based on the petitioner's representation, dated 11.01.2024.



W.P.(MD) No.22117 of 2024

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2. It is the contention of the petitioner that a total extent of 38.52 acres of land in Survey Nos.119, 120, 172, 177, 188/2 and 194/1 was proposed to be acquired for the purpose of declaring it as a reserved forest of the Srivilliputhur Megamalai Tiger reserved forest. Private negotiation have been held with the land owners of Megamalai village. Pursuant to which, G.O(ms)No.129, dated 29.07.2022 was issued and compensation was also given to the 1st respondent. The petitioner would submit that he is the owner of the lands comprised in Survey No.119, Megamalai village, Andipatti Taluk, Theni measuring an extent of 7 acres. The 1st respondent conducted a private negotiation and the guideline value in respect of Survey No.119 to an extent of 8.94 acres was fixed at Rs.2,01,000/- per acre and the land value was fixed at 275% and 25% incentive as compensation to the land owners. The petitioner would further submit that through the private negotiation, compensation of a sum of Rs..61,76,981/- was fixed for an extent of 8.94 acres. The petitioner would submit that he has been ready to offer his lands. However, his representations, dated 21.03.2023, 13.07.2023 and 29.12.2023 demanding compensation, to which there has been no



W.P.(MD) No.22117 of 2024

response. Hence, the petitioner is before this Court.

3. Heard the learned counsel on either side.

4. Admittedly, the petitioner's land has already been taken possession, but compensation has not been given to the petitioner till date. The constitution guaranteed that the individual right to property would be protected and he would not be deprived of his property without authority of law. The authority has misunderstood the phrase “authority of law” to confer upon itself a right to enter a possession of a person's property without paying him the compensation. The instant case is one such example. Though a representation seeking compensation for the lands acquired has been made as early as in the year 2023, to date the same has not been considered. Therefore, a mandamus is issued to the respondents to consider the representations of the petitioner and provide appropriate compensation within a period of eight (8) weeks from the date of receipt of copy of this order.



W.P.(MD) No.22117 of 2024

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5. With the above said directions, this Writ Petition stands allowed.

No costs.

18.09.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

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to Collector (Land),
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W.P.(MD) No.22117 of 2024

P.T.ASHA, J.

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W.P.(MD) No.22117 of 2024

18.09.2024