



W.P.(MD) No.23671 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.08.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.23671 of 2016

Gangayee Ammal

.. Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Special District Revenue Officer (Land Acquisition),
Ramanathapuram National Highway NO.49,
Ramanathapuram.

3.The Special Tahsildar (Land Acquisition),
National Highway,
Manamadurai,
Sivagangai District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for records relating to the impugned award, dated 01/08/2014 passed by the second respondent in Na.Ka.The.Ne.49/Alagu V/62/2013 and the consequential impugned order, dated 10/04/2015 in Na.Ka.The.Ne.A1/17/2013 passed by the third respondent and quash the same so far as the land in Survey No.62/3, Thuthikulam Village,



W.P.(MD) No.23671 of 2016

Kirungakottai, Manamadurai Taluk, Sivagangai District is concerned and consequently directing the respondents 2 and 3 to pass an award for the above land and pay the compensation for the same to the petitioner.

For Petitioner : Mr.J.Barathan

For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

The present writ petition has been filed to quash the award passed by the second respondent, dated 01.08.2014 and the consequential order passed by the third respondent, dated 10.04.2015 and to direct the respondents 2 and 3 to pass an award for the petition mentioned land and pay the compensation for the same to the petitioner.

2. The short question involved in this writ petition is whether a person who has obtained title to a property by an assignment from the Government can claim compensation for the acquisition of the lands.

3. The brief facts of the case are that the land measuring an extent of 18 cents in Survey No.62/3 in Thuthikulam Village, Kirungakottai,



W.P.(MD) No.23671 of 2016

Manamadurai Taluk, Sivagangai District was assigned to the vendor of the petitioner in the year 1971 by the Government. After purchase, the assignment contained a clause which prohibited alienation for a period of 10 years. The petitioner had purchased this property from the original assignee under the registered sale deed, dated 22.04.1985. The petitioner was also directed to get another assignment order from the Government and he had applied and obtained the assignment order on 29.10.1985 once again with a condition that for 10 years, the same cannot be alienated. It is these lands that have been acquired by the 2nd respondent for the purpose of widening the Madurai to Ramanathapuram National Highways. The 3rd respondent had issued a notice, dated 01.03.2013 and another notice, dated 30.07.2013 calling upon the petitioner to produce all the relevant documents for sanctioning the compensation. The petitioner has also participated in the award enquiry and the 2nd respondent has passed an award, dated 01.08.2014. However, no compensation was granted on the ground that the lands had been assigned to the petitioner. Challenging the said order, the present writ petition has been filed.



4. The same contention has been reiterated in the counter affidavit.

5. The learned counsel for the petitioner would submit that this issue is already covered by the judgment of this Court reported in **1996 (II) CTC 719 (R.Abdul Jabbar & 5 others Vs. The State of Tamil Nadu & 4 Others)** which was also a case of an assigned land being acquired and compensation not being granted. The learned Single Judge relying upon two earlier judgment of the Hon'ble Supreme Court reported in **AIR 1968 SC 1045 (The Special Land Acquisition & Rehabilitation Officer, Sagar V. M.S.Seshagiri Rao & Another)** and **AIR 1972 SC 2224 (Special Land Acquisition Officer V. K.S.Ramachandra Rao & Others)** held as follows:

“15. It is plain that the Government need not acquire its own lands, and the Government was not competent in the proceedings under the [Land Acquisition Act](#) to put forward its own title to the properties sought to be acquired, denying compensation to the persons entitled, having issued notifications specifying the lands and the names of owners/occupiers/persons interested. Thus under the circumstances, I have no hesitation to hold that whenever the Government waives to avail or invoke



W.P.(MD) No.23671 of 2016

WEB COPY

the condition of the grant or assignment, that a grantee or assignee will surrender lands whenever required by the Government without claiming compensation, and initiates proceedings for compulsory acquisition of such lands under the provisions of the [Land Acquisition Act](#), treating such lands as not belonging to itself, but to others, is under an obligation to pay compensation as provided in the Act. Viewed in any way, the petitioners are entitled to succeed.

6. The ration laid down in the above decision would squarely apply to the case on hand. In the light of the above, the impugned orders, dated 01.08.2014 and 10.04.2015 are set aside and the respondents are directed to pay compensation to the petitioner within a period of twelve (12) weeks from the date of receipt of copy of this order.

7. With the above directions, this Writ Petition stands allowed. No costs.

12.08.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes
gbg



W.P.(MD) No.23671 of 2016

WEB COPY

To

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The Special District Revenue Officer (Land Acquisition),
Ramanathapuram National Highway NO.49,
Ramanathapuram.
- 3.The Special Tahsildar (Land Acquisition),
National Highway,
Manamadurai,
Sivagangai District.



WEB COPY



W.P.(MD) No.23671 of 2016

P.T.ASHA, J.

gbg

W.P.(MD) No.23671 of 2016

12.08.2024