



W.P.(MD) No.4117 of 2016

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.08.2024

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THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.P.(MD) No.4117 of 2016

S.M.A.S.Mohamed Mydeen

... Petitioner

/vs./

**1.The District Collector,
Tiruchirappalli District.**

**2.The Special Officer cum District Revenue Divisional Officer,
(Land Acquisition),
Parambalur, Tiruchirappalli,
and Thanjavur District,
National Highways No.45,
Tiruchirapalli**

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for records relating to the impugned order passed by the 2nd respondent in his proceeding in Na.Ka.No.A/232/2015 dated 22.06.2015 and quash the same and consequently direct the respondents to fix and disburse the compensation at the rate of Rs.160/- per sq.ft for 21800 sq.ft of the petitioner's land situated in survey No.401/1 bearing patta No.2130 acquired by the 2nd respondent for formation of the N.H. 45 road.



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For Petitioner : Mr.H.Thayumanaswamy

For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

Aggrieved by the order passed by the second respondent in his proceedings bearing Na.Ka.No.A/232/2015 dated 22.06.2015 and seeking a direction to the respondents to fix and disburse the compensation at the rate of Rs.160/- per sq.ft for 21800 sq.ft of the petitioner's land situate in S.No.401/1, bearing patta No. 2130, acquired by the second respondent for formation of the N.H.45 road, the petitioner is before this Court.

2. The short point in issue is that the petitioner's land, measuring an extent of 50 cents, was acquired and the guideline value as on the date of acquisition was sum of Rs.160/- per sq.ft., The petitioner therefore made several representations to the respondents to grant him such pata. Since there was no response to these representations, he had filed a writ petition in W.P.(MD) No. 10884 of 2014 for a direction to consider the petitioner's representation dated 14.10.2013 and to pass orders within a time frame. The said writ petition was



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disposed of by order dated 04.07.2014 directing the respondents to pass orders within a period of 8 weeks. However, the orders did not evoke any response and the petitioner had thereafter filed W.P.(MD) No.10958 of 2015 for a Mandamus directing the respondents to disburse the compensation to the tune of Rs. 34,88,000/- in respect of the aforesaid lands. This writ petition has been withdrawn by the petitioner, as the present writ petition is for a similar relief though the request for compensation is couched differently.

3. The petitioner would submit that he has been served with the impugned order by the second respondent that the compensation would be disbursed only on production of documents and on appearance of all the parties concerned. The impugned order did not give any reasons as to why the petitioner's demand for Rs. 160/- per sq.ft., as compensation should not be granted. Aggrieved, the petitioner is before this Court. The petitioner would further submit that in respect of the adjacent land of the same category, an award has been passed at the rate of Rs. 114/- per sq.ft., whereas the petitioner is entitled to a sum of Rs.160/- per sq.ft., which is the guideline value.



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4. The above fact is admitted by the learned Additional Government Pleader for the respondents.

5. Taking note of the above fact, though the petitioner has sought for compensation of Rs.160/- per sq.ft., since for the adjacent land a sum of Rs.114/- per sq.ft., has been paid, this Court directs the respondents to pay a sum of Rs. 114/- per sq.ft., as paid for the neighbouring land for the petitioner's land along with interest at 9% from the date of the order to till the date of compliance, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above directions, the Writ Petition stands disposed of. No costs.

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

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P.T.ASHA, J.

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