



W.P.(MD) No.17586 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.17586 of 2017
and
W.M.P(MD)No.14127 of 2017

M.Raju

.. Petitioner

Vs.

- 1.The District Collector,
Kanyakumari District,
Nagercoil.
- 2.The Deputy General Manager(Tech)
Cum Project Director,
Project Implementation Unit,
No.314E, K.P.Road,
Near Ayappan Kovil,
Parvathipuram, Nagercoil,
Kanyakumari District-629 003
- 3.The Special District Revenue Officer,
land Acquisition – National Highways,
Nagercoil,
Kanyakumari District.
- 4.The Special Tahsildar,
Land Acquisition – National Highways



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Vilavancode Taluk,
Kuzhithurai,
Kanyakumari District-629 163.

.. Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 3rd respondent in Ka.Na.No.J3/1422/2017 dated 19.07.2017 and to quash the same and consequently, direct the 3rd respondent to pay the balance compensation amount of Rs.28,32,379/- kept in the joint account for the petitioner's property in R.Sy.No.102/2 of Varavilai Puraiyidam, Kulapuram Village, Vilavancode Taluk, Kanyakumari District, within the time stipulated by this Court.

For Petitioner	:Mr.M.R.Sreenivasan
For R1,R3&R4	:Mr.B.Saravanan Additional Government Pleader
For R2	:Mr.Su.Srinivasan

ORDER

This writ petition is filed challenging the impugned order passed by the third respondent in Ka.Na.No.J3/1422/2017 dated 19.07.2017 and to quash the same and consequently, direct the third respondent to pay the balance compensation amount of Rs.28,32,379/- kept in the joint account for the petitioner's property in R.Sy.No.102/2 of Varavilai



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Puraiyidam, Kulapuram Village, Vilavancode Taluk, Kanyakumari District, within the time stipulated by this Court.

2.The petitioner's contention is that the aforesaid land was purchased under a sale deed, dated 20.11.1995 for a valuable consideration and after the said purchase, patta has also been mutated in his name. In the said land, the petitioner planted rubber trees which are yielding rubber latex and earning income from them. While so, the respondents had acquired the land under the Land Acquisition Act, for National Highways. At the time of acquisition, the petitioner was not able to attend the enquiry, since for eke out his livelihood, he went abroad.

3.The petitioner would submit that the first respondent had conducted an enquiry and fixed the market value for the land and for the trees including the yielding rubber trees. The compensation was fixed at Rs.45,48,707/-, which was kept in the joint account of Special District Revenue Officer (LA-NH), Tirunelveli and the Project Director, National High Ways Authority of India, Tirunelveli. After came to know that, the



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petitioner's wife viz., Jepsilit, appeared before the fourth respondent and submitted the relevant documents and also requested to disburse the compensation amount. However, the respondents ordered payment of Rs.17,16,328/- only and failed to disburse the remaining amount. The petitioner, therefore, sent a representation on 21.07.2016 to the respondents, requesting them to disburse the balance amount of Rs.28,32,379/-, which is kept in the joint account.

4.The petitioner would submit that he has lost valuable rubber trees and having arrived at a compensation of Rs.45,48,707/-. The award on the lesser amount was without any reason. Therefore, the petitioner had preferred W.P(MD)No.8202 of 2017 directing the respondents to consider his representation dated 21.07.2016 and disburse the balance amount of Rs.28,32,379/-. The said writ petition was allowed and this Court directed the respondents to consider his representation and pass orders. The third respondent, without even considering the documents, passed the impugned order by rejecting his requests, as a result of which, the petitioner appeared before this Court.



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5.The learned counsel appearing for the petitioner would submit that there are 85 rubber trees in the property and compensation has been given only for 38 trees. The learned counsel would further submit that the impugned order has been passed on the report of the Special Tahsildar, six years after the acquisition. The learned counsel for the petitioner would further submit that after holding an inspection and reporting that there are 116 trees, how the number of trees have been reduced to 38, is not been explained by the respondents. Therefore, the present writ petition is filed.

6.When the matter came up for hearing on 13.08.2024, this Court had directed the authorities to explain as to how the number of trees has been reduced and to produce the original files.

7.Today, the original files have been produced. From the perusal of the original files, it could be seen that according to the petitioner's wife, when she had appeared for personal hearing before the Special Tasildhar, she had clearly stated that there are 85 rubber trees in the property. How



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there is no explanation on the part of the respondents to substantiate how after originally holding that there were 160 rubber trees, the same has been reduced. Admittedly, there are rubber trees on the property and they are 85 trees. Therefore, the petitioner is entitled to get compensation for the remaining 47 trees at the rate of Rs,10,500/- per tree. Consequently, solatium on column 14 of the breakup details of the award, which has been submitted by the learned Additional Government pleader, also stand proportionately enhanced.

8.In view of the above, the impugned order passed by the third respondent in Ka.Na.No.J3/1422/2017 dated 19.07.2017 is hereby set aside and the third respondent is directed to disburse the balance compensation amount of Rs.28,32,379/- with proportionate solatium to the petitioner, within a period of four weeks from the date of receipt of a copy of this order.

9.With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

30.08.2024

NCC : Yes/No



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Index : Yes/No
Internet : Yes

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P.T.ASHA, J.
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