



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 21.12.2023

Pronounced on : 13.02.2024

CORAM

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.27880 of 2023

and

WMP(MD)No.23982 of 2023

1.V.Amsam

2.V.Parthiban

... Petitioners

Vs.

1.The Collector, Tuticorin District.

2.The Special Tahsildar,
Land Administration (Adi Dravidar
Welfare), Ettayapuram Road,
Kovilpatti, Tuticorin District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to pay the amount of Rs.46,44,000/- with 6% interest per annum from the date of possession of the acquired property in S.Nos.479/1 to an extent of 5.28.0 Hec (equal to 13.04 Acres) and 481 to an extent of 0.99.0 Hect (equal to 2.44 Acres) of Pandavarmangalam Village, Kovilpatti Taluk, Tuticorin District on the basis of the representations given by the petitioners dated on 05.11.2020 and 20.07.2022 to the respondents.



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For Petitioner : Mr.C.Emalias

For Respondents : Mr.R.Baskaran,
Additional Advocate General
assisted by Mr.Sidharthan,
Additional Government Pleader

ORDER

Heard both sides.

2.The petitioners are mother and son. Their land was acquired under the provisions of Tamil Nadu Act 31 of 1978. Award was also passed on 15.02.1998. The case of the petitioners is that due to typographical error, compensation was not correctly quantified. The learned counsel for the petitioner would point out that the data land value instead of being taken as Rs.3000/- per cent was wrongly taken as Rs.300/-. In Doc No.19 of 1997, 60 cents of land was sold for Rs.1,80,000/-. This document was taken for arriving at the data land value. In the award, instead of mentioning the value as Rs.1,80,000/-, it was mentioned as Rs.18,000/-. This argument of the learned counsel appearing for the petitioner appeared to be very attractive at the first blush. However, on a deeper scrutiny, it turns out that the petitioners' request cannot be accepted. This is for more than one reason.



3.It is not in dispute that the land was acquired under the provisions of Tamil Nadu Act 31 of 1978. Award for payment of compensation was passed under Section 7 of the Act. Section 9 of the Act enables any person aggrieved by the quantum of compensation to prefer an appeal to the court within such period as may be prescribed. The petitioners have not given any reason as to why they failed to avail the said statutory remedy. In matters relating to determination of compensation for lands acquired under the relevant statute, the writ court should be extremely slow to permit the parties to by-pass the statutory remedy.

4.The acquisition proceedings commenced in December 1996. Notice under Section 4 (2) of the Act was issued on 15.12.1996. The data sale took place on 03.01.1997. The vendor is none other than the first petitioner herself. It is safe to conclude that after getting information and knowledge about the commencement of the acquisition proceedings, the petitioner inflated the value and sold it to a person who was willing to sail along. Such a transaction cannot be indicative of the true state of affairs.

5.The petitioners have earlier filed WP(MD)No.19513 of 2021 seeking the relief now sought for. It was withdrawn. Of course, in the affidavit filed in support of the present writ petition, it had been stated that the withdrawal of



the writ petition was unauthorised. If that be so, petition must be filed for setting aside the earlier order. Filing a fresh writ petition is misconceived.

6.Looked at from any angle, I do not find any merit. The writ petition stands dismissed. No costs. Connected miscellaneous petition is closed.

12.02.2024

Index : Yes/No
Internet : Yes/No
skm

To

- 1.The Collector,
Tuticorin District.
- 2.The Special Tahsildar,
Land Administration (Adi Dravidar Welfare),
Ettayapuram Road,
Kovilpatti, Tuticorin District.



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G.R.SWAMINATHAN, J.

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