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W.P.No.17968 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.17968 of 2018

N.Shanmugam

... Petitioner

Vs.

1. The District Collector,
Namakkal District,
Namakkal.
2. The Special District Revenue Officer,
(Land Acquisition Officer),
Tamil Nadu Road Sector Project II,
Divisional Office-Highways,
Salem – 635 005.
3. The Divisional Engineer,
Tamil Nadu Road Sector Project II,
Divisional Office-Highways,
Salem – 636 005.
4. Thamariselvi
Assistant Divisional Engineer,
Tamil Nadu Road Sector Project II,
Divisional Office-Highways,
Salem – 636 005.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order made in Na.Ka.No.107/2018/A1, dated 19.06.2018 passed by the second respondent, quash the same and consequently direct the respondents to pay the compensation of Rs.1,50,000/- as agreed, for the coconut trees which were cut and removed from the petitioner's lands in R.S.No.248/2, Chittalandur Village, Tiruchengode Taluk, Namakkal District.

For Petitioner : Mr.N.Manokaran
For Respondents: Mr.N.Naveen Kumar,
Government Advocate (for R1 to R3)

ORDER

This Writ Petition has been filed challenging the order passed by the second respondent dated 19.06.2018, refusing payment of additional compensation of Rs.1,50,000/- as agreed upon by the respondents before this Court, based on the calculation of the age of trees as 23 years.

2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the first to third respondents and perused the materials available on record.



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3. The petitioner owned agricultural lands to the extent of 6.74 acres and 1.89 acres, comprised in R.S.Nos.248/2 and 252/1B, respectively, at Chittalandur Village, Tiruchengode Taluk, Namakkal District. The second respondent initiated acquisition proceedings under Section 15(2) of the Tamil Nadu State Highways Act, 2001 (hereinafter referred to as "the Act"), to acquire 8,464 sq.mts. at Chittalandur Village for widening the State Highways. The second respondent issued a notification to acquire the petitioner's lands admeasuring 447 sq.mts. in R.S.No.248/2 and 267 sq.mts. in R.S.No.252/1B. Although there were 19 yielding coconut trees in the subject lands that had already been acquired by the second respondent, the show cause notice issued under Section 15(2) of the Act, dated 10.09.2014, indicated only 8 coconut trees and one water tank. The petitioner raised objections. In response, the second respondent informed the petitioner that compensation would be determined for the 19 coconut trees with the assistance of the Horticulture Department and asked the petitioner to produce the title deed, chitta, patta, and other documents.



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4. Though the second respondent determined the compensation for the land, no compensation was awarded for the coconut trees. Therefore, the petitioner submitted a representation during the grievance proceedings. The second respondent, by order dated 29.08.2017, ordered payment of compensation for 19 trees. After receipt of the report from the Deputy Director of the Horticulture Department for fixing the age of the coconut trees, the Assistant Director of the Horticulture Department calculated the age of the coconut trees as 18 years instead of 23 years. As per the report, a sum of Rs. 6,19,400/- was deposited for 19 coconut trees, fixing their age at 18 years instead of 23 years. The petitioner submitted a representation, which was not considered. As such, the petitioner was constrained to approach this Court in W.P.No.1709 of 2018. This Court directed the respondents to determine the age of the trees for payment of compensation with the help of a qualified Horticultural Officer.

5. However, even before determining the age of the trees, all the trees were cut down, and this was immediately represented to this Court.

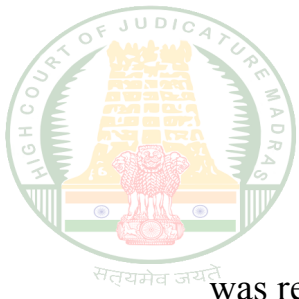


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Thereafter, on the direction issued by this Court, there was a negotiation, and a calculation memo was filed. Accordingly, the objections raised by the petitioner were considered, and it was agreed to pay a sum of Rs.1,50,000/- as additional compensation, apart from the compensation of Rs.6,19,400/-. Recording the said submission, this Court closed the Writ Miscellaneous Petitions in W.M.P.Nos. 2819 and 2820 of 2018 by order dated 19.03.2018. However, by order dated 19.06.2018, the second respondent confirmed the initial compensation of Rs. 6,19,400/- for the 19 coconut trees but failed to pay a further sum of Rs. 1,50,000/- as agreed during the negotiation.

6. On perusal of the counter affidavit filed by the fourth respondent and the submissions made by the learned Government Advocate appearing for the respondents, it is revealed that, as per the report of the Agriculture Department, the age of the trees was determined as 18 years, and accordingly, the compensation was calculated and a sum of Rs. 6,19,400/- was paid. Therefore, the age of the trees could not be calculated as 23 years, and the earlier compensation of Rs. 6,19,400/-



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was reaffirmed.

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7. On perusal of the continuous order passed by this Court in W.P.No.1709 of 2018, it is seen that this Court, by order dated 30.01.2018, disposed of the writ petition, and the relevant portion of the order is as follows:-

“4. Mr.M.Karthikeyan, the learned Additional Government Pleader takes notice for the respondents and he made a statement on instructions that there are few coconut trees standing in the property, of which, 3 were cut. He further added that when the matter came up on 25.01.2018, on the oral direction of this Court, he has instructed the authorities to stop removing the other coconut trees, also in order to facilitate the Court to decide the issue.

5. It now stands admitted that there were some coconut trees in the property and the only concern of the petitioner is that the value of the trees was not considered, while passing the award. There is merit in the submission of the learned counsel for the petitioner. If the trees were cut and removed by the authorities now, the entire effort of the petitioner made pursuant to the award to the Court,



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would be profitless.

6. Therefore, the second respondent is directed to number the number of trees standing in the property along with their age and provide the said information officially to the petitioner before embarking on utilizing the property taken in possession pursuant to the land acquisition proceedings.”

8. However, the said order was not complied with, and as such, the petitioner was once again constrained to file miscellaneous petitions in W.M.P.Nos.2819 and 2820 of 2018, seeking a direction to pay compensation for the 19 coconut trees that were cut and removed, and also compensation of Rs. 10,00,000/- for the pain and suffering of the petitioner. Since, immediately after the disposal of the writ petition, the respondents cut and removed the trees without determining their value. This Court, by order dated 01.02.2018, noted that a sum of Rs.16,300/- was deposited towards compensation for the trees, as against the claim of Rs.18,800/- per tree demanded by the petitioner. Therefore, this Court directed the respondents to negotiate the issue to determine the value of the trees, calculating their age as 23 years.



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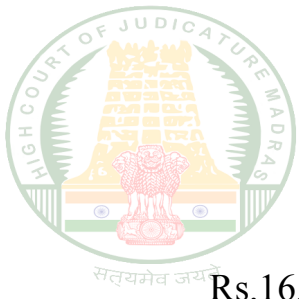
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9. As per the calculation memo submitted by the petitioner, a further sum of Rs.2,500/- was to be added per tree as compensation, and the petitioner also agreed to receive a sum of Rs.1,50,000/-. According to the said submission, this Court closed the miscellaneous petitions with the following observations:-

“Mr.N.Manoharan, the learned counsel for the petitioner submitted that the Land Acquisition Authorities have agreed in principle and pay the compensation for the trees cut. Mr.Karthikeyan, the learned Additional Government Pleader appearing for the respondents is also confirmed it. In view of this development, this Court finds that nothing survives in these writ miscellaneous petitions and therefore, the same are closed.

2. The Land Acquisition Authority may act in strict adherence to law in computing the value of the trees before making payment.”

10. But the respondents, without considering the above, immediately after closing the miscellaneous petitions, passed an order on 19.06.2018, which is impugned in this writ petition. By the said order dated 19.06.2018, the respondents determined the compensation as



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Rs.16,300/- per tree, calculating its age as 18 years, without considering the compensation that was already agreed upon by the respondents.

11. It is unfortunate to state that the respondents, after having negotiated with the petitioner and agreed to pay further compensation of Rs.1,50,000/-, refused to pay the agreed compensation amount after closing the miscellaneous petitions by this Court. Therefore, the petitioner has come forward with the present writ petition, once again seeking compensation for the trees that were already cut and removed, and also for compensation for his mental agony. The poor agriculturist has repeatedly approached this Court only because of the attitude of the respondents. Therefore, the petitioner should be compensated for the mental agony and suffering sustained over these long years. This Court understands the pain and suffering endured by the petitioner, who is an agriculturist, upon seeing the coconut trees, which were his livelihood, being cut down.



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12. In view of the above, the impugned order cannot be sustained and is liable to be quashed. Accordingly, the impugned order dated 19.06.2018 is hereby quashed. The second to fourth respondents are directed to pay compensation of Rs. 1,50,000/- with interest at the rate of 6% from the date of award, i.e., 04.12.2017, till the disbursement of the compensation. That apart, the second to fourth respondents are directed to pay compensation of Rs. 1,00,000/- to the petitioner for the mental agony suffered by him. This amount shall be paid by the second to fourth respondents from their own pocket to the petitioner within a period of four weeks from the date of receipt of a copy of this order.

13. In the result, this Writ Petition is allowed as indicated above.

No costs.

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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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