

W.P.No.12310 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 10.03.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.12310 of 2017
and
W.M.P.No.13081 of 2017

S.Jayaraman

.. Petitioner

Vs.

- 1.The District Collector,
Perambalur District,
Perambalur.
- 2.Mr.Nandhakumar, I.A.S.,
District Collector,
Perambalur District,
Perambalur.
- 3.The Revenue Divisional Officer,
Perambalur District,
Perambalur.
- 4.Mr.Kathiresan,
Revenue Divisional Officer,
Perambalur District,
Perambalur.
- 5.The Tahsildhar,
Veppanthattai Taluk,
Perambalur District.



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6.Mr.Bharathi,
Tahsildhar,
Veppanthattai Taluk,
Perambalur District.

7.The Block Development Officer,
Veppanthattai Panchayat Union,
Veppanthattai, Perambalur District.

8.M/s.Siva Constructions,
rep. by its Proprietor Mr.Sivakumar,
Second Floor,
Siva Palamudhir Nilayam,
Elambalur Road,
Perambalur Town and Taluk.

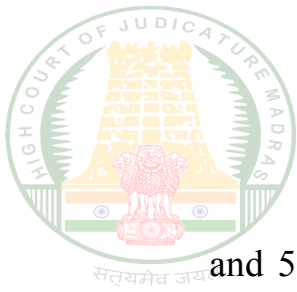
9.Mrs.Kala,
The Inspector of Police,
Arumbavur Police Station,
Perambalur District.

10.Ms.Vasuki,
Sub Inspector of Police,
Arumbavur Police Station,
Perambalur District.

11.Vasanthi

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondents 1, 3 & 5, their men and agents or their subordinates from laying a road on the petitioner's land comprised in Suvey Nos.447/2 - 40 cents; 557/3 -1.21 acres; 557/4 – 1.20 acres; 557-5 – 0.78 cents; 557-6 – 0.35 cents; 557/7B – 052 cents; 557/8 – 0.52 cents; 578/1 – 2.96 acres outs of 4.75 acres;



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and 578/2 – 90 cents out of 2.92 acres; 578/2 – 2.02 acres out of 2.92 cents situate in Annamangalam Village, Veppanthattai Madura, Perambalur District without following due process of law under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and to pay a sum of Rs.25 lakhs as compensation for the loss and mental agony caused to the petitioner apart from the compensation for acquisition proceedings if any.

For Petitioner : Mr.C.Prabakaran

For RR 1 to 7 : Mr.P.Sathish
Additional Government Pleader

ORDER

This writ petition has been filed for the issue of writ of mandamus forbearing the respondents from laying any road in the property belonging to the petitioner without following due process of law.

2.Heard the learned counsel for the petitioner and the learned Additional Government Pleader for respondents 1 to 7.

3.The 5th respondent has filed a counter affidavit and the relevant portions are extracted hereunder:



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“9.It is submitted that the allegations in Para 8 of the Affidavit are all invented for the purpose of filing this application. As already stated the Petitioner himself has consented for the accusation of lands for the formation laying approach road before this 5th Respondent on 26.07.2014 by way of deposition. The Government required only an extent of 8098 sq.mtrs. lands in Thondamanthurai East Village in the Survey No.556/1A etc. for the formation of the approach road. As against the same only an extent of 2425sq.feet is owned by the Petitioner as Patta lands. For the same also an amount of Rs.1,38,375/-towards compensation payable to him after negotiation is kept ready in the Bank account. The amount of compensation has been already ordered by the District Collector, Perambalur in Proceedings in Rc.No.C1/5637/2015 dt.28.04.2016 before issuing this Order the Collector has followed the Due Process of Law. The land owners have voluntarily came-forward for the accusation of lands at the rate as fixed by the Government. However the Collector, Perambalur District by following the Principles of Natural Justice, called for details from the Sub-Registrar, Veppanthattai and from the elaborate details, the Collector, Perambalur District has taken out an example pertaining to the Sale comprised in Survey No.599/3, in an extent of 0.20.0Hectares as per Document No.2704 dt.08.09.2014. Based on the same an amount of Rs.4,04,900/- was arrived at as compensation to be payable to the Land owners. As against the same the Petitioner has to be paid an amount of Rs.1,38,375/- towards total compensation as detailed below pertaining to the lands held by him in Patta No.2303.



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S No	Survey No	Total Extent in Sq.mtr.	Extent to be purchased	Rate per sq.mtr. As per Guideline Value	100%	150%	Total Compensation
1.	557/3	4900	332	50	16600	24900	24900
2.	557/4	4850	306	50	15300	22950	22950
3.	557/5	3150	207	50	10350	15525	15525
4.	557/7B	2100	212	50	10600	15900	15900
5.	557/8	2100	208	50	10400	15600	15600
6.	578/2	11850	580	50	29000	43500	43500
	Total		2425				138375

10.It is submitted that the allegations in Para 9 of the Affidavit are all hypothetical one. As already narrated the Viswakudi Dam Project is implemented with a total cost of Rs.60.00Crores by the Government of Tamil Nadu. The Petitioner herein is in the habit of filing vexatious Petition in this subject matter on and off as narrated above and because of the same is making various hurdles in completing the project. The approach road leading to the Viswakudi Dam is a crucial one. Because of the attitude of the Petitioner forming of the road is getting delayed. Public purpose and Public cause should always out way the private purpose and private cause. However in the instant case the Petitioner for the reasons best known to him is making various hindrance to a public project. The approach road leading to Viswakudi Dam is crucial and important one not only for the Villagers in and around the Dam side. Adjacent



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to the Dam there is one A/M.Kodisuthi Karuppusamy Koil, comprised in Survey No.585 of Veppanthattai North Village. This is an ancient Village temple aged more than 80years. The idol in the temple is family deity for more than 40families in and around Veppanthattai Village and has been worshipped by them for more than 40years. The approach road leading to the Viswakudi Dam is also used by the worshippers of the above temple. Furthermore the Government has also taken a policy decision to develop the Viswakudi Dam as a Tourist spot and for this project also the approach road is more important.”

4.The respondents have taken a specific stand that the petitioner was willing to part with the land and receive the compensation like many of the other land owners and now he is resiling from the stand taken by him.

5.In the considered view of this Court, if the petitioner is willing to part with the land and receive the compensation that has been fixed by the respondents, the compensation can be paid to the petitioner and the lands can be taken over. If on the other hand the petitioner is resisting, proper procedure shall be followed by acquiring the land. This clarification will sufficiently take care of the interest of the petitioner.



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6.In the result, this Writ Petition is disposed of in the above terms.

Consequently, the connected Miscellaneous Petition is closed. No costs.

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

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- 2.The Revenue Divisional Officer,
Perambalur District,
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N.ANAND VENKATESH, J.

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