



W.P.(MD) No.1828 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.07.2025

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P.(MD) No.1828 of 2022

P.Chandran

... Petitioner

Vs

1. The District Collector,
Madurai, Madurai District.

2. The Special Thasildar (Land Acquisition),
Madurai Airport Extension Unit-II,
Old Ramanathapuram Madurai
Collector Office Building, Madurai,
Madurai 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 pass award for the compensation petitioner's dwelling house property in Survey No.283/4B in Door No. 3/ 648A, situated at Parambupatti Village, Perungudi Panchayat, Madurai District as per the 2018 guideline value of the Tamil Nadu Government, based on the petitioner's representation dated 02.12.2021.

For Petitioner : Mr.J.Jeyakumaran

For Respondents : Mrs.S.Jeyapriya,
Government Advocate



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ORDER

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This Writ Petition is filed seeking issue of Writ of Mandamus directing the respondents to pass an award for compensation of petitioner's dwelling house in an acquired land in Survey No.283/4B in Parambupatti Village, Perungudi Panchayat, Madurai District, by considering the petitioner's representation dated 02.12.2021.

2. Heard the arguments of Mr.J.Jeyakumaran, learned counsel for the petitioner and Mrs.S.Jeyapriya, learned Government Advocate appearing for the respondents.

3. It is not in dispute that 5 ares of petitioner's land situated in the above mentioned survey number was acquired for extension of Madurai Airport under the provisions of the Tamil Nadu Acquisition of Land for Industrial Purpose Act, 1997. Though the petitioner had put up a residential building in the subject property in the year 2011, in the preliminary notification issued in the year 2017 for acquisition of subject property, the existence of building was not mentioned. Subsequently, an award was passed by the first respondent on 31.08.2018, fixing the compensation only for the land. Since the value of the building situated



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in the subject property has not been taken into consideration, the petitioner submitted a representation on 02.12.2021 before the first respondent seeking enhancement of compensation by considering the building that stands in the subject property. The same has not been considered. Hence, the petitioner has come before this Court.

4. The second respondent has filed a counter affidavit stating that immediately after receipt of representation from the petitioner, notice was issued to him directing him to produce the document to substantiate his claim regarding existence of the building and he produced the house tax receipt for the building dated 07.05.2015. It is further stated that the second respondent has passed an order on 09.01.2024 in his proceedings in Na.Ka.No.42/2018/Ni.A.2, rejecting the request of the petitioner on the ground that house tax receipt produced by the petitioner dated 07.05.2015 was obtained after land acquisition process. Therefore, the respondents seeks dismissal of the prayer sought for in this Writ Petition.

5. The petitioner submitted a representation seeking enhancement of compensation on the ground that the building that stands in the subject property has not been taken into consideration. The first respondent has



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no power to modify the award under the provisions of the Tamil Nadu Acquisition of Land for Industrial Purpose Act, 1997. If the land owner is not satisfied with the quantum of compensation, his request shall be considered in the light of Section 8 of the Tamil Nadu Acquisition of Land for Industrial Purpose Act, 1997. If the first respondent is satisfied, it is for him to make a reference before the competent civil Court regarding the enhanced claim made by the land owners. In the case on hand, the representation submitted by the petitioner has not been considered by the first respondent.

6. Therefore, without expressing any opinion on the merits of the matter, this Court directs first respondent to consider the representation submitted by the petitioner dated 02.12.2021, in the light of Section 8 of the Tamil Nadu Acquisition of Land for Industrial Purpose Act, 1997 and pass appropriate orders for referring the matter to the competent civil Court, within a period of eight (8) weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.



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vsm

Index : Yes/No

Neutral Citation: Yes/No

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S.SOUNTHAR, J.

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