



W.P.(MD)No.10798 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2025

CORAM:

THE HON'BLE MR. JUSTICE S.SOUNTHAR

W.P.(MD).No.10798 of 2025

S.Chandrababu

... Petitioner

Vs.

1. The District Collector,
Office of the District Collector,
Nagercoil,
Kanyakumari District.
 2. The Special Tahsildar,
Office of the District Collector,
Land Acquisition – Railways (Unit-I),
Nagercoil,
Kanyakumari District.
 3. Southern Railway,
Represented by K.S.Mathai,
Senior Section Engineer,
Office of the Deputy Chief Engineer (Construction),
Gandhi Bhavan Road,
Housing Board, Thycaud,
Thiruvananthapuram District.
- ... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents nos.1 and 2 to disburse the remaining compensation amount of Rs. 2,08,859/- due to me with interest from 30.01.2023 for the lands acquired under in S.Nos.74/3B having an extent of 0.01.17 ares situated at Agasteeswaram Village, Agasteeswaram Taluk, Kanyakumari District considering the representation made by the petitioner dated 15.01.2025.

For Petitioner	: Mr.M.Antony Rajadurai for M/s.Roy and Roy Associates
For R1 and R2	: Mr.M.Gangatharan Government Advocate
For R3	: No Appearance

ORDER

The writ petition is filed seeking issuance of writ of mandamus directing the respondents 1 and 2 to disburse the remaining compensation amount of Rs.2,08,859/- due to the petitioner from 30.01.2023 by considering his representation dated 15.01.2025.

2. It is the case of the petitioner that 0.01.17 ares of land belongs to him in S.No.74/3B in Agasteeswaram Village, Agasteeswaram Taluk was acquired by the respondents for the purpose of laying new railway line. The compensation amount for the above said acquired land was fixed at



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Rs.10,16,427/-. However, the respondents paid only Rs.8,07,568/- to the petitioner and retained the balance amount of Rs.2,08,859/-. Hence the petitioner submitted a representation on 15.01.2025, requesting the respondents to pay the balance amount withheld by the respondents. However, the same has not been considered and hence, the petitioner has come before this Court.

3. The learned counsel appearing for the petitioner by relying on the judgment of this Court in W.P.No.15934 of 2025 dated 30.04.2025 submitted that in cases where land is acquired for laying railway line, no amount shall be deducted towards development charges and therefore, the respondents are bound to pay the petitioner, the amount withheld by them.

4. The Hon'ble Apex Court in the case of **Nelson Fernandes and Ors. vs. Special Land Acquisition Officer, South Goa and Ors.**, rendered in 2007 9 SCC 447, MANU/SC/7193/2007 held that in cases of acquisition of land for railway line, there shall not be any deduction towards development charges. Relevant portion of the order reads as under:-



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*“30. We are not, however, oblivious of the fact that normally 1/3 deduction of further amount of compensation has been directed in some cases. However, the purpose for which the land acquired must also be taken into consideration. In the instant case, the land was acquired for the construction of new BG line for the Konkan Railways. This Court in **Hasanali Khanbhai and Sons and Ors. v. State of Gujarat MANU/SC/0444/1995** : [1995] 1SCR401 and **L.A.O vs. Nookala Rajamallu MANU/SC/1228/2003** : (2003)12SCC334 had noticed that where lands are acquired for specific purposes deduction by way of development charges is permissible. In the instant case, acquisition is for laying a railway line. Therefore, the question of development thereof would not arise.”*

5. Therefore, the respondents are not justified in withholding 1/3rd of the award amount.

6. It is not in dispute in the case on hand acquisition of petitioner's land was done by private negotiation. A perusal of sale deed executed by the petitioner in favour of the 3rd respondent dated 31.01.2023 would indicate the sale consideration for subject land has been fixed at Rs.10,16,427/-. Having agreed to pay full amount of Rs.10,16,427/- in a registered document, it is not open to the respondents to contend that 1/3rd of value of land has to be deducted towards development charges. In the



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1st respondent's counter, it is stated that the petitioner agreed for 1/3rd deduction by submitting a written letter. No such letter has been produced before this Court. Further covenants and recitals found in registered sale deed will prevail over any unregistered document. Hence the respondents are bound to pay the sale consideration mentioned in the registered sale deed executed by the petitioner, whose terms were settled by private negotiations as per the recitals found thereon. There is no reference about alleged written consent by the petitioner in the registered sale deed. Hence, I hold the respondents are bound to release the amount withheld by them.

7. Accordingly, the 2nd respondent is directed to consider the representation of the petitioner seeking payment of the withheld amount positively and pass necessary orders for disbursal of the balance compensation amount within a period of eight (8) weeks from the date of receipt of a copy of this order.



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8. The writ petition is disposed of with the above directions. No costs.

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NCC :yes/No
Index :yes/No
Internet:yes/No
rgm

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S.SOUNTHAR, J.

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