



W.P.(MD)No.4727 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2025

CORAM

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.4727 of 2019

1.Kalaimani

2.Venkadakrishnan

3.Periasamy

4.Srinivasan

: Petitioners

Vs.

1.The Special Tahsildar,

(Land Acquisition),

Karur – Dindigul Broad Gauge Unit-1,

Dindigul.

2.The General Manager,

Southern Railway,

Railway Bhawan,

Chennai – 3.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents to pay the compensation to us for acquiring lands in Survey No.1675/2 to an extent of 1 Acre and 80 cents land with well, Survey No.1676/2



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to an extent of 4 Acres 36 cents and Survey No.1678/1B to an extent of 42 cents totally 6 Acres 58 cents situated at Palayam Village, Vendasandur Taluk, Dindigul District for forming the Dindigul to Karur Railway Broad Gauge based on the petitioner's representation dated 02.01.2019.

For Petitioners : Mr.G.Gomathi Sankar
For Respondent No.1 : Mr.M.Lingadurai,
Special Government Pleader
For Respondent No.2 : No appearance

ORDER

Heard the learned Counsel for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader appearing for the first respondent.

2.The petitioner has filed the present Writ Petition seeking issuance of Writ of Mandamus to direct the respondents to pay compensation for the lands acquired from the petitioner in Survey No.1675/2 to an extent of 1 Acre and 80 cents land with well, Survey No.1676/2 to an extent of 4 Acres 36 cents and Survey No.1678/1B to an extent of 42 cents totally 6 Acres 58 cents situated at Palayam Village, Vendasandur Taluk, Dindigul District.



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3.According to the learned Counsel for the petitioner, the lands originally belonged to the petitioners' respective fathers Elumalai, Aranganathan, Ponnusamy and Ramasamy Konar. The State acquired the said lands for the purpose of laying Broad Gauge from Karur to Dindigul, even as early as in the year 1984. The award passed by the first respondent being very low and not agreeable to the respective fathers of the petitioners, a claim was made for enhancement of the compensation and the matter was referred to the Principal Sub-Court, Dindigul by the District Collector and the LAOP proceedings in L.A.O.P.No.84 of 1987, was also taken up. However, for not taking steps to bring on record the legal heirs of the petitioner's father Aranganathan, who was the second petitioner in the LAOP on 27.10.1999, the LAOP was dismissed. The petitioner admits that thereafter, no steps were taken to revive the LAOP. However, the petitioners' specific contention is that respondents have not paid even the original agreed compensation. They also sought information even under the Right to Information Act and the information was provided by the Sub-Judge confirming the above facts and also additionally, confirming that no compensation has been deposited before the Civil Court.



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4.The grievance of the petitioners is that despite the petitioners' lands having been acquired several decades back, they have not been paid any compensation whatsoever. The petitioners only seek for the compensation to be released to them as originally awarded, since they have admittedly lost the LAOP for not taken steps and thereby, they are now impeded from seeking any further enhancement.

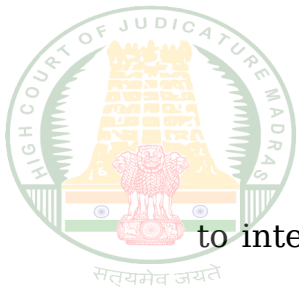
5.Learned Special Government Pleader would invite my attention to the statement determining the compensation amount payable to various land owners. He would refer to the said statement and contend that all the respective fathers of the petitioners have already been paid compensation and only thereafter, they have approached the Civil Court, seeking enhancement of compensation. However, on a perusal of the said statement, though the names of the fathers of the petitioners find a place, the heading of the statement itself reads as "the person or persons to whom the compensation is due". Therefore, even according to the records available with the respondents, there is no proof of payment of original award amount due and payable to the petitioners or their fathers during their respective life time.



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6. The further reliance is placed by the learned Special Government Pleader on an external note dated 10.12.1986. In the said note, it is stated that the compensation has been received by the land owners and that, only thereafter, they have sought for enhancement of compensation. Such a self-serving document cannot be relied on, that too, an internal correspondence. If at all, it is the categorical case of the authorities that the compensation as awarded was duly paid to the respective land owners namely the fathers of all the petitioners, then the respondents should be able to produce proper receipts for having disbursed the said compensation. Unfortunately, no such record is available. Excepting for placing reliance on the statements which two have already been discussed above, they cannot amount to payment, I see no justification on the part of the respondents to deny compensation already awarded several decades back. The petitioners are entitled to the compensation amount which has been awarded. Taking into account that the Sub-Judge has also confirmed that the amount has not been deposited before the Civil Court, in view of the provisions of the Land Acquisition Act, 1894, the writ petitioners are also entitled to interest. In fact, I find that the respondents have not even filed a counter, despite the pendency of the Writ Petition for the past 5 years. In terms of Section 34 of the Act, the petitioners are entitled



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to interest on the compensation awarded to them under the original award.

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7.In view of the foregoing reasons, this Writ Petition is allowed, with a direction to the first respondent to determine the compensation amount finally payable to the respective petitioners, taking into account the original award amount and also interest due to them in terms of Section 34 of the Act and shall release the same within a period of four [4] weeks from the date of receipt of a copy of the order. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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Index :Yes / No

Internet : Yes / No

NCC : Yes/No

MR



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P.B.BALAJI., J.

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