



W.P.(MD)No.8022 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.04.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD) No.8022 of 2019

1.A.Amsavalli

2.P.Vasantha

3.R.Malliga

... Petitioners

/Vs./

1.District Collector,
Dindigul District,
Thiagi Subramania Siva Maligai,
Velu Nachiar Complex,
Chettinaickenpatti,
Dindigul.

2.Special Tahsildar (Land Acquisition),
North Neighbourhood Project,
Madurai.

3.Executive Engineer/Administrative Officer,
Tamil Nadu Housing Board,
Ellis Nagar,
Madurai 625 016.

4.The Revenue Divisional Officer,
Land Acquisition,
Dindigul.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, calling for the records of the 4th respondent in his proceedings Siva.Pa.No.03.002 by A3 Dated 6.2.2019 and quash the same and direct the respondents to refer the claim of enhancement of compensation to the reference court under section 18 of the Land Acquisition Act corresponding to Sec.64 of the Right to Fair Compensation and Transparency in Land Acquisition Act, 2013.

For Petitioners : Mr.S.Nates Rajaa
For Respondents : Ms.S.Jeyapriya
Government Advocate

ORDER

The petitioners challenge the order of the fourth respondent dated 06.02.2019 and consequently seek reference of the petitioners' claim for enhancement under Section 18 of the Land Acquisition Act, corresponding to Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition Act, 2013.

2.Admittedly, the lands of the petitioners were the subject matter of acquisition in 1976 and the compensation amount determined by the authorities is also deposited before the civil Court and the learned Principal Subordinate Judge, Dindigul, under Section 30 of the Act



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passed orders in LAOP.No.21 of 1984 on 02/12/2010, entitling the petitioners to a sum of Rs.1,512/-. Subsequently, W.P.(MD) No.18245 of 2001 was filed before this Court, seeking release of the property from the acquisition proceedings, as according to the petitioners, the property of the petitioners was a house site and the same was kept vacant, despite acquisition.

3.This Court directed the representation of the writ petitioners' father dated 04.10.2001 to be considered on merits. The petitioners' father thereafter sought for reconveyance and made an application. Once again, the petitioners' father filed W.P.(MD) No.34539 of 2002. This Court allowed the said writ petition, directing the representation of the petitioners' father for reconveyance to be considered, by order dated 06.09.2022. Subsequently, the Tamil Nadu Housing Board in and by communication dated 10.12.2003 gave an option to the petitioners' father to select one house site out of 5 house sites in Rani Mangalam Colony at Dindigul Rural Scheme Part 1 and Part 2. The petitioners' father opted for H3/10-A, measuring 301 sq.ms., by his letter dated 02.01.2004. However, the authorities were not able to act on the said option exercised



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by the petitioners' father, since the said plot was already allotted to one John Kennedy, S/o Soosai Manickam. Therefore, the petitioners' father was asked to select one plot out of the remaining 4 plots. The petitioners' father opted for plot number M2/162 and in the meantime, the petitioners' father died on 27/07/2005.

4.The petitioners' mother sent a representation reiterating the request to allot plot No.M2/162. The petitioners' mother also died subsequently on 31.12.2006. Thereafter, the petitioners have sent a representation to the third respondent seeking allotment of plot No.M2/162. A writ petition was also filed in W.P.(MD) No.6135 of 2011 for issuance of Writ of Mandamus to allot the said plot.

5.In the said writ petition, the Housing Board filed a counter stating that the application of the petitioners' mother was under scrutiny and recording the said submission, this Court directed the Managing Director, Tamil Nadu Housing Board, to dispose of the petitioners' request for allotment of house plot as indicated in para 5 of the counter affidavit filed by the Housing Board, within a period of 8 weeks.



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6.Subsequently, the Tamil Nadu Housing Board, by order dated 10.07.2017, rejected the request for allotment of alternate site citing lack of provisions in that regard. Immediately, the petitioners have opted to seek for enhanced compensation on 14.08.2017, since the allotment of any alternate land was ruled out. The said request for reference to the competent Civil Court for enhancement was rejected by the fourth respondent citing the delay.

7.The learned counsel for the petitioners submits that in view of the turn of events, there has been no inordinate, willful or wanton delay on the part of the petitioners in seeking enhanced compensation, since the petitioners and earlier their parents were under the *bona fide* impression that they would be getting alternate land and therefore there was no necessity for seeking enhanced compensation for the land acquisition proceedings initiated against their property.

8.I see force in the submission of the learned counsel for the petitioners. There has been no delay or lack on the part of the petitioners in seeking enhanced compensation. In fact, the cause of action for



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seeking enhancement arose only pursuant to the rejection of the option exercised by the petitioners for allotment of alternate lands in and by final orders dated 10.07.2017. Therefore, the petitioners cannot be deprived of being entitled to fair and just compensation payable in respect of the lands lost by them by way of acquisition proceedings.

9.In view of the above, the order of the fourth respondent rejecting the petitioners' request on the ground of delay is liable to be set aside. In fine, the Writ Petition is allowed and the fourth respondent is directed to refer the matter to the competent Civil Court under section 18 of the then Land Acquisition Act, now Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition Act, 2013 (Act 30/2013), within a period of four weeks from the date of receipt of a copy of this order. No costs.

Index : Yes / No
NCC : Yes / No
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P.B. BALAJI, J.

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