

W.P.(MD)No.15424 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2025

CORAM

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

W.P.(MD)No.15424 of 2024

Mookaiah

: Petitioner

Vs.

1.The District Collector,
Collectorate,
Pudukkottai and District.

2.The Special District Revenue Officer,
Cauveri - Vaigai - Gundaru River Linking Project,
Collectorate,
Pudukkottai and district.

3.The Special Revenue Divisional Officer,
Cauveri - Vaigai - Gundaru River Linking Project,
Collectorate,
Pudukkottai district.

4.The Special Tahsildar,
Cauveri - Vaigai - Gundaru River Linking Project,
Kulathur Taluk,
Pudukkottai District.

: Respondents



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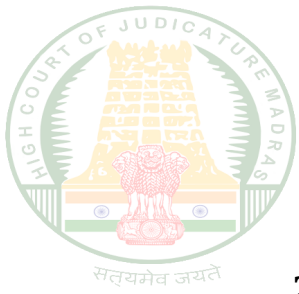
PRAYER: Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus, directing the 3rd respondent (Special RDO, Pudukkottai) to take appropriate action on the petitioner's representation 26.02.2024, relating to fix the fair compensation of the petitioner's properties in SF.Nos. 30/8B with an extent of 0.50.00 Ares of Nanja Land, 30/1C with an extent of 0.09.04 Ares of Nanja Land, 35/6 with an extent of 0.03.00 Ares of Nanja Land, 35/7 with an extent of 0.03.00 Ares of Nanja Land, situates at Valamangalam Revenue Village, Kulathur Taluk, Pudukkottai District, in the light of the 1st respondent proceedings in Mu.E1860154-2024-D2 dated 06.05.2024.

For Petitioner : Mr.K.Balasundaram
Senior Counsel
for M/s.KBS Law Office

For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

Heard Mr.K.Balasundaram, learned Senior Counsel for M/s.KBS Law Office, appearing for the petitioner and Mr.B.Saravanan, learned Additional Government Pleader appearing for the respondents.



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2.The petitioner seeks only a limited relief of issuance of Writ of Mandamus to direct the District Collector to consider the petitioner's request for refixation of compensation payable in respect of petitioner's lands that have been acquired by the State.

3.Learned Senior Counsel for the petitioner would take me through the specific averments in the affidavit that despite the award passed on 21.11.2023, copy of the same was not served on the petitioner. Only much later, the petitioner was served with a copy of the award and on going through the award, the petitioner realised that compensation for trees and well were not included in the compensation determined by the first respondent and therefore, the petitioner has sought for enhancement of compensation by making a representation dated 26.02.2024. The petitioner only seeks for expeditious consideration of the said representation.

4.On the side of the respondents, learned Additional Government Pleader would submit that the award was already passed way back in November, 2023 and if at all the petitioner is aggrieved by the award, the petitioner has to necessarily invoke arbitration proceedings.



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5.However, on going through the counter, I do not find any specific denial of the averment set out in the Writ Petition that the award copy was not served until the petitioner made a representation and much later alone a copy of the award came to be served. Section 37(2) of Act 30 of 2013, requires the Collector to give immediate notice of the award to all persons interested. Therefore, there is force in the submission of the learned Senior Counsel for the petitioner that without being furnished with the copy of the award within the time stipulated under the Act, the petitioner has been deprived of an opportunity to put forth his case for seeking re-determination and additional compensation. Further the petitioner's grievance is that a meagre amount has been fixed for the trees and wells.

6.Learned Senior Counsel for the petitioner would submit that the first respondent has not followed the mandate of Section 28, which sets out parameters to be considered by the first respondent in determining the award.

7.In view of the above, I am *prima facie* able to find that the petitioner was deprived of a fair opportunity to putforth his claim for seeking fair compensation to be payable in respect of the lands acquired from the petitioner. In view of the above, the petitioner cannot be faulted for not approaching the District Collector by way



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of Arbitration proceedings as set out under the Act. In any event, considering the fact that the petitioner has made a representation on 26.02.2024, it would suffice to direct the first respondent to hear the petitioner and consider the various claims and contentions put forth by the petitioner, seeking additional compensation. If the first respondent satisfies that the petitioner has made out a case for additional compensation, an additional award may be passed within a period of eight [8] weeks from the date of receipt of a copy of this order.

8.Accordingly, this Writ Petition stands disposed of. There shall be no order as to costs.

28.03.2025

Index :Yes / No
Internet : Yes / No
NCC : Yes/No
MR



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P.B.BALAJI., J.

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