



W.A.(MD)No.1922 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.04.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**W.A.(MD)No.1922 of 2021
and
C.M.P.(MD)No.8499 of 2021**

Mohammed Yunus

... Appellant

Vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Revenue Divisional Officer,
Ramanathapuram District,
Ramanathapuram.

3.The Special Tahsildar,
Muthukulathur,
Ramanathapuram.

4.Natarajan

5.Pothuvan

... Respondents



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Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order dated 22.04.2021 passed in W.P.(MD)No.17964 of 2013 on the file of this Court.

For Appellant : Mr.A.Sheik Abdulla

For Respondents : Mr.S.R.A.Ramachandran,
Addl. Government Pleader for R1 to R3.

JUDGMENT

Heard both sides.

2.The appellant herein owned 2 acres and 5 cents in S.No.107/3A2 and 3B2 in Keelamuthukulathur, Muthukulathur Taluk, Ramanathapuram District. Notice under Section 4(2) of the Tamil Nadu Act No.31 of 1978 was issued on 04.02.2000. The notification under Section 4(1) of the Act was issued on 05.07.2000. Possession was taken on 10.01.2001. The grievance of the appellant was that he was paid only a sum of Rs.35,880/- and that he was not paid the full compensation for the land acquired. The appellant filed W.P.(MD)No.17964 of 2013 for directing the authorities either to return the land or to pay land cost of



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Rs.4,26,662/- with interest to the appellant. The writ petition was dismissed vide order dated 22.04.2021 by the learned Single Judge. Questioning the same, this writ appeal has been filed.

3.The learned counsel for the appellant reiterated all the contentions set out in the memorandum of grounds of the writ appeal and called upon this Court to set aside the order of the learned Single Judge and grant relief as prayed for.

4.Per contra, the learned Additional Government Pleader submitted that the procedure as laid down in Tamil Nadu Act No.31 of 1978 was scrupulously complied with. He pointed out that the acquisition notifications were duly issued and published and that award was also passed on 10.01.2001. Copy of the award was also duly served on the appellant. The appellant ought to have filed an appeal before the jurisdictional Sub Court under Section 9 of the Act. Having missed the bus, the appellant cannot seek any relief at this point of time. According to the learned Additional Government Pleader, the case is hopelessly barred by laches and therefore, the learned Single Judge rightly



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dismissed the writ petition. According to him, interference with the same same is not called for and he called for.

5.We carefully considered the rival contentions and went through the materials on record. It is seen that the appellant owned 2 acres and 5 cents in S.No.107/3A2 and 3B2. The only question that calls for consideration is whether the appellant should be denied relief only for the reason that he did not challenge the award dated 10.01.2001 by filing an appeal under Section 9 of the Act before the jurisdictional Sub Court.

6.The appellant is said to have studied only upto 5th standard. We had an interaction with him in person and he does not appear to be an educated person. In the typed of set of papers, copy of the proposal bearing Na.Ka.No.Aa/239/2000 dated 16.05.2000 submitted by the Special Tahsildar, Adi Dravida Welfare, Muthukulathur addressed to the District Adi Dravida Welfare Officer, Ramanathapuram has been enclosed. In the said proposal, the value of the land has been computed at the rate of Rs.4.50/- per square feet. According to the Tahsildar, the value of the land would come to Rs.4,62,542/- inclusive of solatium.



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7. One paragraph in the said proposal states that the appellant was approached for handing over the lands for the purpose of distributing the same among the landless persons belong to Adi Dravidar community and that the appellant had given his consent. In other words, the appellant was agreeable to receive compensation from the government in lieu of voluntarily handing over the land.

8. That the consent of the appellant had been taken is too obvious. This is evident from the fact that though the award was passed only on 10.01.2001, the land was taken possession on the same date. This shows that there was some kind of understanding between the authorities and the appellant.

9. The learned counsel for the appellant has placed unimpeachable materials before us indicating that the appellant had sold as many as 18 parcels of land each of them measuring around 5 cents in the year 1999. A mere look at the encumbrance register shows that they are all registered transactions. The appellant had sold the land at the rate of



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Rs.1,500/- per cent. When the appellant himself had sold the land at that rate to third party purchasers in the year 1999, obviously, 2 acres and 5 cents of the land could not have been valued at Rs.30,000/- in January 2001. This is a case of gross injustice. We are exercising equitable jurisdiction under Article 226 of the Constitution of India. We are therefore obliged to set right the same. We, therefore, refix the compensation payable to the appellant in the following manner:-

The market value of the land is Rs.1,500/- per cent. The total land acquired from the appellant is 2 acres and 5 cents. The market value of the acquired land comes to Rs.3,07,500/-. As per the statute, the appellant is entitled to 15% solatium ie., Rs.46,125/-. The amount already received by the appellant was Rs.35,880/- by way of award dated 10.01.2001. The compensation now payable to the appellant comes to Rs.3,17,745/-. The appellant is entitled to interest at the rate of 6% per annum as per Section 12 of the Act from the date of taking possession till the amount is paid.

10.The first respondent is directed to pay a sum of Rs.3,17,745/- along with interest at the rate of 6% per annum from the date of



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possession till the date of payment to the appellant within a period of a period of four months from the date of receipt of a copy of this judgment.

11.The order impugned in this writ appeal is set aside and the writ appeal is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

**(G.R.S. J.) & (M.J.R. J.)
17.04.2025**

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