



W.P.(MD)No.23473 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :24.11.2025

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.23473 of 2025
and
WMP (MD) No.18444 of 2025
and
Cont.P.(MD) No.2624 of 2025

R.Thayalapandian

... Petitioner

Vs.

1. The District Collector,
Virudhunagar District, (D - Section)
Nh 7kumaraswamy Nagar,
Virudhunagar, Kooraikundu,
Tamil Nadu - 626 002.

2. The Special District Revenue Officer,
Land Acquisition Highways
District Collectorate Complex,
New Building First Floor.
Madurai - 625020.

3. The Tahsildar,
The Tahsildar Office
Aruppukottai - 626101.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records of the Impugned Award dated 14.07.2025 bearing No.08/2025, issued by the 2nd Respondent and Na.Ka.No.173/2025S.H.3 Under Section 16 (2) of the act, 2013 issued by the 2nd respondent dated



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30.07.2025 to quash the said Impugned Award in respect of the Said Property of the Petitioner in S.No.234/2, measuring about 2,716 sq.m., classified as Residential Special Type - 1, as per Patta No.1013, situated in Gopalapuram Village, Aruppukottai Taluk, Virudhunagar District, and to consequently direct the 2nd Respondent to pass a fresh Award taking into consideration the direction of this Court vide order dated 15.04.2025 in W.P.(MD) No.23023 of 2024, with specific reference to the recommendations of the third respondent and to pay compensation as per the Section 26 of the Act of 2013 for the acquisition of the said property along with the value for the standing Neem trees.

Cont.P.(MD) No.2624 of 2025

R.Thayalapandian

... Petitioner

Vs.

Mr.M.Veerassamy, B.Sc., MBA.,
The Special District Revenue Officer,
Land Acquisition Highways
District Collectorate Complex,
New Building First Floor.
Madurai - 625020.

... Contemnor/
Respondent No.3 in writ petition.

For Petitioner : Mr.T.Gowthaman, Senior Counsel
for M/s.KNS Law Chambers

For Respondents :Mr.M.Ajmal Khan
Additional Advocate General
assisted by Mr.P.Thambidurai
Government Advocate



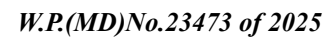
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COMMON ORDER

The petitioner had filed W.P.(MD) No.23023 of 2024 challenging proceedings dated 19.09.2023 in relation to the acquisition of land admeasuring 2716 square metres in Survey No.234/2 at Gopalapuram Village, Aruppukottai Taluk. The said writ petition was disposed of by order dated 15.04.2025 directing the third respondent therein to conduct an inquiry, provide a fair opportunity to the petitioner, take into account the recommendations of the Tahsildar regarding the prevailing market value on the relevant date and thereafter determine the compensation payable to the writ petitioner. Pursuant thereto, award dated 14.07.2025 has been issued.

2. Contempt Petition (MD) No.2624 of 2025 was filed alleging that the award was in wilful disobedience of the earlier order of this Court inasmuch as the recommendation of the Tahsildar was disregarded. Without prejudice, the petitioner has separately assailed the award. Both these matters are being disposed of by this common order.



4. In this factual context, learned senior counsel submits that the impugned award cannot be sustained because such award was issued by disregarding not only the Tahsildar's recommendation, but also the prevailing guideline values. In this connection, by referring to the counter-affidavit of the second respondent in the writ petition, learned senior counsel points out that it is stated therein that the fixation of guideline value by the Tahsildar at Rs.4310/- per square metre is pending approval by the Government. If that be the case, learned senior counsel submits that the approval or rejection of the Government should have been awaited before fixing compensation. Instead, he submits that



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compensation has been arbitrarily fixed at about Rs.172/square metre.

Therefore, he contends that the matter warrants reconsideration.

5. In response, learned Additional Advocate General submits that the petitioner has an alternative remedy under Section 20 of the Tamil Nadu Highways Act, 2001. By referring to the award copy enclosed in the typed set filed by the Government, learned Additional Advocate General submits that the recommendation of the Tahsildar fixing the guideline value at Rs.4310/- per square metre was taken note of in the said order. Therefore, he submits that the earlier order of this Court was not wilfully disobeyed. He submits further that the guideline value was fixed at least partly on the basis of the sale deed executed by the petitioner in 2015 in relation to a portion of the property owned by him. Since the impugned award was issued after taking into consideration all relevant factors, learned Additional Advocate General submits that the recourse available to the petitioner is to seek a reference under Section 20. In the alternative, he submits that the Court may direct the authority to make the reference to the reference Court.



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6. The undisputed position is that the guideline value of the relevant property between 01.04.2012 and 08.06.2017 was Rs.4315/- per square metre. The Tahsildar's recommendation is for fixing the value at Rs.4828/- per square metre. The counter-affidavit of the second respondent makes reference to the guideline value fixed by the Tahsildar and records that the same is pending approval on the part of the Government. In those circumstances, the approval of the Government should have been awaited before fixing the compensation. Learned senior counsel for the petitioner also referred to adjoining properties such as Survey No.234/1, Survey No.234/3, Survey No.234/4, Survey No. 234/5 and the like. It appears *prima facie* that the guideline value of those lands are in the region of Rs.4300/- square metre. In the impugned award, the guideline value has been departed from and compensation has been determined on the basis that the value is about Rs.172/- per square metre. *Prima facie* there does not appear to be rational basis for determining the sum payable as compensation at Rs.172 per square metre.

7. Notwithstanding the above observations, I am mindful of the fact that the petitioner has an alternative remedy by way of reference



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under Section 20. In this context, it should also be noticed that the petitioner is not assailing the acquisition and that his challenge is limited to seeking appropriate compensation. Considering all these aspects cumulatively, this writ petition is disposed of on the following terms:

(i) The second respondent is directed to make a reference to the reference Court within two weeks from the date of receipt of a copy of this order.

(ii) The reference Court is directed to dispose of the reference as expeditiously as possible, preferably within nine months that not exceeding twelve months from the date of receipt of such reference.

(iii) All contentions are left open to the petitioner and it is needless to say that the reference Court should take into consideration all material documents and the *prima facie* observations set out in this order while deciding the matter independently.

There shall be no order as to costs. Consequently, the contempt petition stands closed. Connected miscellaneous petition is closed.

24.11.2025

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



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SENTHILKUMAR RAMAMOORTHY, J.

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