



W.P.(MD)Nos.25614 & 22856 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2025

CORAM

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

W.P.(MD)Nos.25614 & 22856 of 2023

and

W.M.P.(MD)Nos.21799, 21800, 19100 & 19102 of 2023

and 3003 of 2024

P.Muthurakku : Petitioner in W.P.(MD)No.25614/23

1.T.Selvam

2.S.Karthigai Rani : Petitioners in W.P.(MD)No.22856/23

Vs.

1.The Land Acquisition Officer and
District Revenue Officer,
Sivagangai.

2.The Special Tahsildar (Land Acquisition),
Chennai – Kanyakumari Industrial Corridor,
Thirupathur,
Sivagangai District.

: Respondents in both Writ Petitions

PRAYER in W.P.(MD)No.25614 of 2023: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned award passed by the first respondent dated 28.02.2022 in



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Award No.1/2021-2022 (Highways Department) in

Na.Ka.C1.15753/2021 and quash the same as illegal and consequentially direct the respondents to disburse the award / compensation to the petitioner towards the land acquired in survey Nos.104/3A, 104/5A, 104/6, 104/7A, 140/8A & 105/2A1A in Paiyur Village, Pillaivayal Group, Sivagangai Taluk and District, within a stipulated time as may be fixed by this Court.

PRAYER in W.P.(MD)No.22856 of 2023: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in Na.Ka.No.A1/285/2023 dated 24.08.2023, on the file of the second respondent and quash the same as illegal and consequently direct the respondents to disburse the award amount the petitioners land acquired in survey Nos.104/5, 104/3, 104/6, 104/7 situated in Paiyur Village, Pillaivayal Group, Sivagangai Taluk and District.

For Petitioner : Mr.A.Mohan
[In W.P.(MD)No.25614/2023]
: Mr.M.Mahaboob Fazil
[In W.P.(MD)No.22856/2023]

For Respondents 1 & 2 : Mr.S.Kameswaran,
Government Advocate
[In both Writ Petitions]



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COMMON ORDER

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These Writ Petitions have been filed challenging the order of the first respondent refusing to disburse compensation amount which has been determined in respect of the subject survey numbers.

2.I have heard the learned Counsel for the parties.

3.The petitioner's lands find place in Sl.Nos.115 to 118 and 119 to 121. Insofar as Sl.Nos.119 and 121, the Counsel for the writ petitioner in W.P.(MD)No.25614 of 2023, pursuant to the earlier order passed by me dated 20.02.2025, would submit that he is not in a position to get the death certificates of the principals who had executed the power of attorney in favour of the writ petitioner. Therefore, the Counsel for the petitioner, on instructions submits that he is not pressing the claims in respect of Sl.Nos.119 and 121 alone.

4.With regard to remaining Sl.Nos., learned Counsel for the petitioner in both these Writ Petitions would submit that the law on the point is already settled by the decision of this Court in W.P.No. 33736 of 2016 dated 09.01.2018, wherein, this court has already held that despite the presence of a clause saying that the assignees would not be entitled for compensation, such clause cannot be put

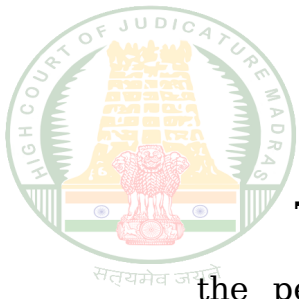


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against the assignees to deny them compensation in the land acquisition proceedings. The said order was taken up on appeal and the Hon'ble Division Bench dismissed the Writ Appeal filed by the State.

5.Learned Counsel would also rely on the larger Bench decision of the Andhra Pradesh High Court in the case of ***Land Acquisition Officer cum Revenue Divisional Officer and others Vs. Mekala Pandu and others*** reported in ***2004 (2) APLJ 108 (HC)***, where the larger Bench of the Andhra Pradesh High Court held that 'no compensation' clause, restricting the right of the assignees to claim full compensation in respect of the land resumed equivalent to the market value of the land, is unconstitutional. The very same view has also been taken by our Court in the above discussed decision in W.P.No.33736 of 2016 dated 09.01.2018.

6.Learned Counsel for the petitioner in W.P.(MD)No.25614 of 2023, would also rely on a Division Bench Judgment reported in ***2010-5-L.W. 289***, to contend that when the revenue authorities have already mutated the revenue records based on original assignment, then the assignment cannot be cancelled. This decision cannot be pressed into service insofar as payment of compensation is concerned.



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7. In the instant case, the issue is only with regard to whether the petitioners who are assignees are entitled to compensation amount subsequent to the land acquisition proceedings. However, the law is well settled by the Full Bench decision of the Hon'ble Andhra Pradesh High Court, which view has also been taken by our Court and the same has also been confirmed in appeal.

8. Therefore, I am unable to countenance the stand of the respondents that no compensation would be paid to the assignees. Therefore, the impugned orders are set aside and the respondents are directed to disburse the compensation amount due to the petitioners respectively, in respect of Sl.Nos.115 to 183, within a period of three [3] months from the date of receipt of a copy of this order, after submitting the relevant documents by the petitioners.

9. Accordingly, these Writ Petitions stand allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

20.03.2025

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



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To

1.The Land Acquisition Officer and
District Revenue Officer,
Sivagangai.

2.The Special Tahsildar (Land Acquisition),
Chennai – Kanyakumari Industrial Corridor,
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P.B.BALAJI., J.

MR

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