



W.P.(MD) No.30320 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD) No.30320 of 2023

and

W.M.P(MD)No.26116 of 2023

- 1.S.Lazar
- 2.S.Ranjitham
- 3.S.Daisyrani
- 4.S.Sengolmari
- 5.S.Stephan

... Petitioners

VS.

- 1.The District Collector,
Pudukottai District, Pudukottai.
- 2.The Special District Revenue Officer,
(Land Acquisition),
Kaveri-Vaigai-Kundaru Link Canal Project,
Pudukottai District.
- 3.The Special Tahsildar,
(Land Acquisition Unit-4),
Kaveri-Vaigai-Kundaru Link Canal Project,
Pudukottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the



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impugned order passed by the third respondent Na.Ka.80/A2/Ka.Vai.Ku/2021, in Award No.1/2023/Unit-4, dated 06.10.2023 and quash the same and consequently, direct the first respondent to value and fix the compensation award for acquisition of my lands in S.No.283/14 to an extent of 0.13.50 hectare, S.No.283/17 to an extent of 0.06.00 hectare, S.No.283/20 to an extent of 0.21.0 hectare situated in Vathanakurichchi Village, Kulathur Taluk, Pudukottai District and par with acquisition of adjacent lands in S.No.281/4 and S.No.283/10-D, situated in Vathanakurichchi Village, Kulathur Taluk, Pudukottai District, within the stipulated time.

For Petitioners : Mr.S.Sankar
For Respondents : Mrs.K.Malathi
Additional Government Pleader

ORDER

The writ petitioner challenges the impugned proceedings on the file of the third respondent. The third respondent has passed the impugned order on 06.10.2023 determining compensation in respect of the lands acquired from the petitioner.

2.The admitted case of the parties is that the acquisition is subject to the provisions of the Right to Fair Compensation and Transparency in Land



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Acquisition, Rehabilitation and Resettlement Act, 2013. The primordial grievance of the petitioner is that the impugned order has been passed by the third respondent without jurisdiction. He would invite my attention to Section 30 of the Act, where the power has been conferred only on the Collector to determine the total compensation to be paid and also impose a 'Solatium' equivalent to one hundred per cent of the compensation amount. However, the learned counsel for the petitioner, drawing my attention to the impugned order, would submit that on the same date of the publishing of a draft award, the third respondent has proceeded to pass the impugned order. Therefore, the learned counsel for the petitioner would submit that the impugned order is clearly violative of the provisions of Act 30 of 2013 and on this limited ground alone, he would seek for the impugned order being set aside.

3.I find force in such submissions, though the learned Additional Government Pleader appearing for the official respondents would invite my attention to the counter affidavit addressing various grounds raised by the writ petitioner in the affidavit in support of the writ petition, meeting each of the several distinct claims awarding compensation. I find from the counter affidavit that the question of assumption of jurisdiction by the third respondent has not



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even been addressed. In the absence of any subordinate legislation or even a circular delegating the powers of the Collector to the third respondent, the third respondent cannot assume jurisdiction and pass any orders, much less the impugned order.

4.In view of the above, the petitioner is entitled to the relief and the impugned order, dated 06.10.2023 in Na.Ka.80/A2/Ka.Vai.Ku/2021, in Award No. 1/2023/Unit-4, is set aside and the matter is remitted to the first respondent, who shall conduct an enquiry and pass a considered order on merits and in accordance with law, after affording an opportunity, by way of a personal hearing to the petitioner, to fortify his claim for compensation. The said exercise shall be carried out within a period of twelve weeks from the date of receipt of a copy of this order.

5.Accordingly, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

06.03.2025

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NCC: Yes/No

Index : Yes / No

Internet : Yes / No



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P.B.BALAJI, J.

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