



W.P.(MD)No.102 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.03.2025

CORAM

THE HONOURABLE MR.JUSTICE **P.B.BALAJI**

W.P.(MD)No.102 of 2025

and

W.M.P.(MD)No.93 of 2025

- 1.G.Ramalakshmi
- 2.S.Maduraiveeran
- 3.M.Meenakshi
- 4.Malarkodi
- 5.Arumugathammal
- 6.Vijayakumar
- 7.V.Meenakshi
- 8.Sarasu
- 9.M.Revathy
- 10.J.Suganya
- 11.G.Saravanan
- 12.Palaniammal
- 13.Sumathy
- 14.Irulayi
- 15.E.Soundharajan
- 16.R.Anandhan
- 17.Rukmani
- 18.K.Vanniyaperumal
- 19.M.Paathumuthu
- 20.Malliga
- 21.Velmari
- 22.Muthumari
- 23.Athista Revathy
- 24.Pandammal
- 25.Amirthavalli
- 26.Kalidhas



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27.Muthukumar

28.Kavitha

29.Pandi Revathy

30.S.Chellachamy

31.M.Muthumeenakshi

32.L.Pandiammal

33.Hemalatha

34.Sundhari

35.Mariammal

35.C.Indhra

36.Hussain Banu

39.C.Kalaiselvi

... Petitioners

vs.

1.The Secretary to Government,
Revenue Department,
Secretariat, Chennai.

2.The Commissioner of Land Administration,
Chennai.

3.The District Collector,
Madurai District, Madurai.

4.The Superintending Engineer,
Highways Department, Madurai.

5.Through its Dhiwan,
Ramanathapuram Samasthanam Devasthanam,
Ramanathapuram – 623 501.

6.The Commissioner,
Madurai Corporation, Madurai.

... Respondents



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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 impugned proceedings in Na.Ka.No.E-2266729-2024-J4, dated 30.11.2024 of the third respondent and to quash the same and consequently, to direct the respondents 1 to 4 to award the petitioners, adequate fair and reasonable compensation for their house and also direct the respondents to allot appropriate alternate lands by granting assignment pattas in the name of the petitioners.

For Petitioners	:Mr.V.R.Shanmuganathan for Ms.Rukmani
For R1 to R4	:Mr.Veerakathiravan Additional Advocate General assisted by Mr.S.Saravanan Additional Government Pleader
For R5	:Mr.O.R.Gokul Abimanyu
For R6	:Mrs.S.Devasena

ORDER

The petitioner challenges the impugned order passed by the third respondent in Na.Ka.No.E-2266729-2024-J4, dated 30.11.2024 with a consequential direction to the respondents 1 to 4 to award the petitioners adequate, fair and reasonable compensation for the houses constructed by them and also direct the respondents to allot appropriate alternate lands by granting assignment pattas in the name of the petitioners.



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2.The petitioners were lessees under the fifth respondent Samasthanam under various agreements. Admittedly, the petitioners have put up superstructures out of their hard earned savings and also taking the aid of subsidies granted by the Government to enable the petitioners, who hail from the poor strata of society, to put up construction and thereby, create shelter for themselves and their families.

3.The lands, which are under the occupation of the petitioners, were sought to be acquired for construction of over bridge across Vaigai river and the petitioners have also moved this Court in W.P.(MD)No. 12405 of 2024. This Court had disposed of the said Writ Petition filed by the petitioners herein on 13.06.2024 finding that the petitioners cannot be entitled to the relief sought for in the said Writ Petition, namely, the award of compensation and allotment of alternate lands. However, taking a sympathetic view, this Court had granted 45 days time to the petitioners to vacate and hand over possession and also permitted the petitioners to give individual representations seeking alternate accommodation. On such requests/representations being made, the third

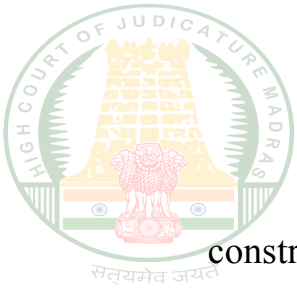


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respondent was directed to consider the cases of the individual applicants and pass appropriate orders. Thereafter, the petitioners have approached the third respondent and made individual representations, as directed by this Court. In and by the impugned proceedings, dated 30.11.2024, the third respondent has rejected the request of the petitioners.

5.I have heard Mr.V.R.Shanmuganathan, learned Counsel for the petitioners, Mr.Veerakathiravan, learned Additional Advocate General assisted by Mr.B.Saravanan, learned Additional Government Pleader, Mr.O.R.Gokul Abimanyu, learned Counsel for the fifth respondent and Mrs.S.Devasena, learned Counsel for the sixth respondent.

6.No doubt, this Court foreclosed the rights of the petitioners to be entitled for compensation, at which point of time, the petitioners were in physical possession of the subject properties. However, subsequently, pending this Writ Petition, though initially an interim injunction was granted protecting the possession of the petitioners, the State had moved a vacate injunction application and after obtaining orders from this Court, all the petitioners were forcibly dispossessed and the houses



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constructed by the petitioners were also raised to the ground. Thereafter, the petitioners have only reiterated their earlier request for compensation, at least in respect of the buildings, which have been admittedly put up by the petitioners and also consider for allotting free house sites under any of the schemes, that have been promulgated by the State.

7.From the impugned order, I am able to see that the third respondent has rejected the request for payment of compensation on the ground that under Section 77 of the Right to Fair Compensation and Transparency in Land Acquisition Act, 2013, the compensation can be paid only to the title owner, who admittedly, is the fifth respondent herein and therefore, the request of the petitioners in that regard has been rejected. However, in so far as the individual representations made by the petitioners for alternate accommodation, I find that there is no opportunity given to the petitioners to put forth their claims and there has been no consideration of such requests in and by the impugned order.

8.When this Court had directed the third respondent to consider the request of the petitioners for alternate accommodation, the third

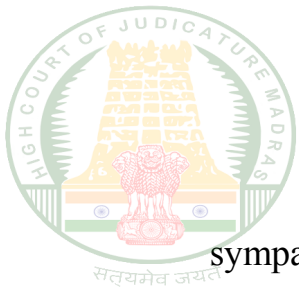


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respondent ought to have given an opportunity to the petitioners to present their individual difficulties in order to seek alternate accommodation, especially, when the Government is a welfare State.

9. Admittedly, all the petitioners, even according to the fifth respondent, have put up superstructures out of their own funds. No doubt, as contended by the learned Counsel for the fifth respondent, the petitioners have agreed that at the time of determination of the respective tenancies/leases, they would surrender the superstructure in favour of the fifth respondent and would not make any claim. However, considering the fact that the petitioners all hail from weaker sections of society and being a welfare State, the third respondent ought to have taken a sympathetic view at least with regard to allotment of alternate lands in any of the prevailing schemes, where, the petitioners can be accommodated in order to give them a roof to live under.

10. On the ground that the petitioners have not been heard in this regard and neither the third respondent has considered the direction of this Court in the earlier Writ Petition for providing alternate sites on



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sympathetic grounds, I am inclined to set aside the impugned order and remit the matter back to the third respondent. Accordingly, the impugned order, dated 30.11.2024 is set aside the matter is remanded to the file of the third respondent. The petitioners shall give fresh applications to the third respondent seeking alternate accommodation in any of the welfare schemes that are in force. On such applications being made by the individual petitioners, the third respondent shall consider the same on a case to case basis not only on the individual merits of the claims made by the respective petitioners, but also taking a sympathetic view in the matter, considering that the petitioners have put up constructions on the lands belonging to the fifth respondent and they have been forcibly evicted without any compensation for the superstructure put up and also considering the fact that the petitioners and their families are on the streets today. The third respondent is directed to afford an opportunity to all the petitioners individually to present their respective difficulties and hardships and thereafter, the third respondent shall pass orders on merits and in accordance with law. The entire exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.



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WEB COPY 11.The Writ Petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

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

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To

1.The Secretary to Government,
Revenue Department,
Secretariat, Chennai.

2.The Commissioner of Land Administration,
Chennai.

3.The District Collector,
Madurai District, Madurai.

4.The Superintending Engineer,
Highways Department, Madurai.



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P.B.BALAJI, J.

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