

IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE, NAMAKKAL

**Present:- Thiru. R. Gurumurthy, B.Sc., B.L.,
Principal District Judge,
Namakkal.**

Wednesday, the 8th day of April 2026

**I.A. No.13/2026 in
R.T.R.O.P. No.42/2023**

A.A. Thangavelu

.. Petitioner/Petitioner

/vs/

1. State of Tamil Nadu,
rep. By its Secretary to Government,
Highways Department,
Fort St. George,
Chennai.
2. The Special District Revenue Officer (LA),
Chennai Kanyakumari Industrial Corridor Project,
No.7, Vijayaraghavan Nagar,
Jahir Ammapalayam, Salem.
3. State of Tamil Nadu,
rep. by its District Collector,
Namakkal.
4. The Assistant Director, (Agriculture),
Tiruchengode Union Office,
Tiruchengode Taluk,
Namakkal District.
5. The District Forest Officer,
District Forest Office,
Namakkal Taluk & District.

.. Respondents/Respondents

This petition came up for final hearing on 30.03.2026 before me in the presence of Thiru. V. Murugavel, counsel appearing for the petitioner, and Tmt. B.C. Archana, Government Pleader appearing for the respondents; and upon hearing both sides and on perusal of case records, this court delivers the following:

ORDER

This Petition has been filed under Order 26 Rule 9 of Civil Procedure Code to

appoint an expert committee consisting of a Senior Professor of the Forestry Department from any one of the Government Agricultural Colleges, a Director of the Indian Agricultural Research Council, and any one retired Senior Forest Officer under the supervision of an Advocate Commissioner, directing them to assess the future income loss of Red Sanders trees standing on the land of the petitioner and to file a report before this Court.

2. Brief facts set out in the affidavit are as follows:

The petitioner, A.A. Thangavelu is the petitioner in the main O.P. The petitioner's land was acquired by the Highways Department for laying a by-pass road by widening the Omalur-Sendamangalam, Tiruchengode-Paramathy road under the Chennai to Kanyakumari Industrial Corridor Project Scheme. 158 Red sanders trees of high quality having a height ranging from 15 feet to 18 feet are standing on the petitioner's land, which was acquired by the Highways Department. The District Forest Officer visited the 158 Red Sanders trees standing on the petitioner's land in S.F. No.70 and 71/1 at Oduvanpalayam and observed that the above-said 158 Red Sanders tree saplings are too young, and only upon sufficient growth, the standard of the trees and its classifications can be determined, and at the present stage, it is not possible to determine classifications of the Red Sanders trees, and therefore, it is not possible to assess the compensation towards future income loss of the trees and he submitted his report under letter in ந.க. எண்.1162/2020 எல், 18.11.2020. Subsequently, the petitioner preferred a writ petition in W.P. No.10204/2021 before the Hon'ble High Court, Madras, regarding determination of the valuation of Red

Sanders Trees standing on the petitioner's land, wherein the Hon'ble High Court directed the Institute of Forest Genetic Resources Tree Breeding, Coimbatore, to assess the value of the trees and till then the respondents were directed not to cut and remove the trees standing in the petitioner's land. Accordingly, the officials from the Institute of Forest Genetic Resources Tree Breeding, Coimbatore, visited the petitioner's land on 01.09.2021 and observed that only 135 Red Sanders trees were living out of 158 trees, and that the said living trees were in the form of saplings (சிறிய செடியாக), and also recommended that a sum of Rs.2,37,142/- would be incurred as expenditure for translocation of the said saplings, instead of arriving at compensation for future loss of the Red Sanders trees, in consonance with the direction of the Hon'ble High Court. Aggrieved by the recommendation made by the officials from the Institute of Forest Genetic Resources Tree Breeding, Coimbatore, the petitioner preferred a writ petition in W.P. No.28390/2021 before the Hon'ble High Court, Madras, seeking to fix compensation for each Red Sanders tree at Rs.6,00,000/-, which is one-third of Rs.22,88,300/- as fixed in the auction held on 29.12.2018 in respect of NON-GRADE trees at Tirupathur, by mentioning the procedure adopted for fixing maximum compensation at the rate of Rs.10,000/- which is 1/3rd amount of the compensation of Rs.32,340/- for each unyeilding coconut tree. In the above-said writ petition, the petitioner has sought permission from the Hon'ble High Court, Madras, to file an appropriate petition before the concerned civil court in terms of Section 64(2)(b) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, for

which the learned Government Pleader raised no objection, and thus, the Hon'ble High Court, permitted the petitioner to file an appropriate petition before the civil court and to fix compensation, and accordingly, the petitioner has come forward with the petition. As per the report dated 01.09.2021 submitted by the officials from the Institute of Forest Genetic Resources Tree Breeding, it has been mentioned that the average height of the Red Sanders Trees was at 2.4 feet. But, at present the Red Sanders trees situated on the petitioner's land have grown upto 15 feet to 18 feet and the thickness (stem) has also increased. The said report was submitted about 5 years ago. The petitioner would be put to great loss if the Hon'ble Court fixes compensation for future loss of Red Sanders Trees based on the report of the year 2021. The said trees are valuable trees and therefore, compensation cannot be determined on par with the ordinary trees. Since the said trees are valuable, the compensation towards future loss should be assessed having to the height and growth of the trees. Hence, it is just and necessary to appoint an expert committee comprising a Senior Professor of the Forestry Department from any one of the Government Agricultural College, a Director of the Indian Agricultural Research Council and a retired Senior Forest Officer under the supervision of a Court Commissioner, directing them to assess the future loss of the Red Sander trees standing on the petitioner's land. Hence, the petition.

3. **Brief facts of the counter statement filed by the 2nd respondent and adopted by respondents 1 and 3 to 5, are as follows:**

It is true that the Highways department acquired the petitioner's land for

widening the road on Omalur-Sendamangalam, Tiruchengode-Paramathy, under the Chennai to Kanyakumari Industrial Corridor Project Scheme. All other petition averments are false and the same have to be proved by the petitioner. In fact, pursuant to the direction of the Hon'ble High Court, the expert committee from the Institute of Forest Genetic Resources Tree Breeding, Coimbatore, inspected the petitioner's land on 01.09.2021 and submitted a scientific report stating that the Red Sanders Trees were in the form of saplings having an average height of 2.4 feet. As per the report of the experts of forest department, only after full growth of Red Sanders Trees (i.e. about 25 years after), it can be incised and arrived at the quality of tree whether it is hard wood (ഘൃതം). At present, as per the report of the field inspection of the Institute of Forest Genetic Resources Tree Breeding, Coimbatore, the trees standing on the petitioner's land can be used only as firewood. As per the prevailing market rate of firewood at Rs.4,000/- per ton and upon computing 17.581 tons, the value would come to Rs.70,324/- and alone can be considered as compensation. The status of the land and trees should be assessed as on the date of Notification under the Land Acquisition Act. But, the petitioner by filing several litigations, has delayed the matter, and now claims that the trees have grown to 15 to 18 feet during such period of litigation, and therefore, the trees should be assessed to its present growth is not in accordance with law. The comparison of the petitioner of the Red Sander Trees with the Coconut trees is not maintainable. Coconut trees are long yielding tree for upto 60 years and is the mainstay of the agriculturists. The expenditure is high for the plantation and the continuous maintenance of the Coconut

trees and hence, compensation was assessed considering the age of the coconut trees. Therefore, the comparison of the petitioner of the Coconut trees with the Red Sanders trees, which is yielding nothing, and seeking compensation based on the Coconut trees, cannot be sustained. The claim of the petitioner of Rs.6,00,000/- for each Red Sander Trees to his mere 2.4 feet Red Sanders trees saplings, based on auctionvalue of matured trees, is an attempt to unjustly enrich himself at the cost of government funds. Since a reputed national forest department experts such as IFGTB filed its detailed report, the present petition seeking appointment of expert committee under the supervision of advocate commissioner is abuse of process of law and the petition is liable to be dismissed.

4. **The Point for consideration is**

Whether it is just and necessary to appoint an expert committee under the supervision of an Advocate Commissioner, as prayed for by the petitioner and whether the petition is to be allowed or not?

4.1. No oral or documentary evidence on both sides.

5. **Point:**

Both sides heard. I have gone through the materials available on record.

6. It is seen from the records that the land to an extent of 1230 sq. mt. in S.F. No.70 and 3880 Sq.mt. in S.F. No.71/1 at Oduvanpalayam Village, Tiruchengode Taluk, belonging to the petitioner was acquired for widening state highway No.86 stretching from Omalur to Sendamangalam, Tiruchengode – Paramathy road under the Chennai Kanyakumari Industrial Corridor Project. The petitioner had planted 158 Red Sanders trees in his land in S.F. No.71/1. Out of 158

Red Sanders Trees, 135 trees have shown good growth and are aged about 6 years. The valuable Red Sanders trees do not grow in all kinds of soil. They grow in particular fertile lands such as in the States of Andhra and Telangana. While the facts stand thus, it is evident that the petitioner's land is fertile land. Since the respondents tried to cut and remove the Red Sanders trees, the petitioner raised his objection, and he also demanded the 2nd respondent to assess the value of Red Sanders trees standing on the petitioner's land. Since, the claim of the petitioner was refused, he preferred a writ petition in W.P. No.10204/2021 before the Hon'ble High Court, Madras, which directed the Institute of Forest Genetic Resources Tree Breeding, Coimbatore, to assess the value of the Red Sanders trees. Instead of assessing the value of the Red Sanders trees as per the direction of the Hon'ble High Court, the Institute of Forest Genetic Resources Tree Breeding, Coimbatore, submitted its report stating that a sum of Rs.2,37,142/- would be incurred as expenditure for transplanting the Red Sanders trees (i.e. uprooting the trees and planting them in another place) from the petitioner's land. Since, the above estimate is not in consonance with the direction of the Hon'ble High Court, and as the 2nd respondent has not fixed compensation for the Red Sanders trees by adopting a method similar to Coconut trees, the petitioner again approached the Hon'ble High Court in W.P. No.28390/2021, wherein the Hon'ble High Court, Madras, permitted the petitioner to file a claim petition under Section 64(2)(b) of the Land Acquisition Rehabilitation & Resettlement Act, vide order dated 16.06.2022. Hence, the petitioner has come forward with the main O.P. seeking to fix appropriate compensation for the Red

Sanders trees standing on his land. Further, the petitioner claims that the maximum compensation is fixed at Rs.36,450/- for Coconut trees and fixed at Rs.11,750/- for unyielding young coconut saplings. The District Forest Officer, Tirupathur Division has furnished information vide communication dated 13.09.2026 under the Right to Information that an auction was held on 29.12.2018 at Tirupathur Government Sandalwood Godown, wherein, the Red Sanders trees were classified into two categories viz., "C" Grade and "Non Grade", and that Rs.4,835/- was fixed per kilogram for "C" Grade and Rs.2,288/- was fixed for Non Grade trees. Accordingly, the Non-Grade Red Sanders Trees fetch a value of Rs.22,88,300/- per M.T., wherein, 1/3rd value comes to Rs.7,62,766/-. The Highways Department fixed compensation at Rs.11,750/- for unyielding young coconut saplings. Upon considering the compensation fixed for the young coconut trees and after deducting maintenance charge of Rs.1,62,766/-, a net amount of Rs.6,00,000/- has to be fixed for each Red Sanders trees standing on the petitioner's land. Upon calculating for 135 trees, the value of the Red Sanders trees would come to Rs.8,10,00,000/- (Rs.6,00,000/- X 135), and thus, the petitioner is entitled to the said amount as compensation towards the future loss of 135 Red Sanders trees. Further, the petitioner states that adopting one kind of yardstick for compensation for coconut agriculturists and another kind of yardstick for Red Sanders Trees agriculturists is against the natural justice. When the main petition was posted for enquiry, the petitioner has come forward with the present petition seeking to appoint an expert committee under the supervision of an Advocate Commissioner, directing them to

submit their report before this court.

7. The learned Government Pleader appearing for the respondents submitted that the reputed research institute viz., the Institute of Forest Genetic Resources Tree Breeding, Coimbatore had inspected the petitioner's land and submitted a report that the approximate height of the Red Sanders tree standing on the petitioner's land is 2.4 feet, and that they are in the form of saplings; and that normally the tree would take 25 years for full growth and thereafter only, the tree can be incised and valued with regard to heartwood (ഘൃതം). At present, the trees standing on the petitioner's land can be used only for firewood and thus, the petitioner is entitled to compensation of Rs.70,324/- (i.e. Rs.4,000/- per ton of firewood X 17.581 tons). Further, she contended that the status of the land and trees should be assessed as on the date of Notification under the Land Acquisition Act. But, the petitioner has preferred several litigations and caused delay in fixing compensation; and during such period, the petitioner claims that the trees have grown up to 15 to 18 feet, and therefore the compensation should be based on the present condition of the trees as sought by the petitioner cannot be sustained. Further, coconut trees yield for more than 60 years and are the livelihood crop of the agriculturists; and therefore, the comparison of the petitioner of Red Sanders trees with Coconut trees cannot be sustained. Thus, the alleged compensation of Rs.6,00,000/- for each Red Sanders tree is unsustainable and amounts to an attempt to obtain government funds illegally. The petition is liable to be dismissed.

8. The petitioner has filed the RTROP. No.42/2023 based on the order of the Hon'ble High Court, Madras in W.P. No.28390 of 2021 and W.M.P. Nos.29979 & 29980 of 2021, permitting the petitioner to file an appropriate petition before the Principal District Court, Namakkal. The said writ petition was filed seeking to quash the proceedings in டி.க.எண்.6/2019/அ.4 (SH.86), dated 15.11.2021 by the Special District Revenue Officer (LA), Chennai Kanyakumari Industrial Corridor Project, Salem and consequently direct the above said Special District Revenue Officer (LA) to arrive the value of the standing Red Sanders trees on the petitioner's land comprising in S.F. No.70 & 71/1 of Oduvampalayam Village, Tiruchengode Taluk, Namakkal District and pass an award. The Hon'ble High Court has disposed of the above writ petition with a direction to this court to decide the issue on merit and in accordance with law as expeditiously as possible.

9. It is seen from the award passed by the 2nd respondent herein dated 15.11.2021 that the District Forest Officer, Namakkal had visited the Red Sanders trees on the petitioner's land and observed that 158 Red Sanders saplings in the petitioner's land are too small and without sufficient growth and therefore, the quality and classification of the said saplings cannot be determined and therefore, the value of the Red Sanders saplings on the petitioner's land cannot be determined. Aggrieved by the above-said observation made by the District Forest Officer, Namakkal and as no order was passed determining the value of the Red Sanders trees standing on the petitioner's land, the petitioner had filed a writ petition before the Hon'ble High Court in W.P. No.10204 of 2021 seeking a direction to the 2nd

respondent to determine the value of the Red Sanders trees standing on the petitioner's land for the purpose of arriving compensation for lands and standing trees thereon pursuant to the land acquisition proceedings initiated by the 2nd respondent. The Hon'ble High Court in its order dated 28.04.2021, directed the 2nd respondent to refer the matter to the Institute of Forest Genetic Resources Tree Breeding, Coimbatore to assess the value of the trees and get a report and thereafter based on the report to consider the petitioner's request and pass suitable orders on merit in accordance with law and also the respondents are directed not to cut and remove the trees standing in the petitioner's land till then.

10. It is seen from the award passed by the 2nd respondent, dated 15.11.2021 that as per the order of the Hon'ble High Court, the 2nd respondent requested the Director of the Institute of Forest Genetic Resources Tree Breeding, Coimbatore, to assess the value of the Red Sanders trees in the petitioner's land and to submit a report. Accordingly, the Director of the Institute of Forest Genetic Resources Tree Breeding, Coimbatore, has sent a report to the 2nd respondent estimating the cost of translocation of Red Sanders trees at Rs.1,757/- per tree, totalling a sum of Rs.2,37,142/- for 135 Red Sanders trees available on the petitioner's land, instead of determining the value of the Red Sanders trees standing on the petitioner's land. Based on the recommendation made by the Director, the Institute of Forest Genetic Resources Tree Breeding, Coimbatore, an award was passed by the 2nd respondent on 15.11.2021 fixing total compensation for the Red Sanders trees standing on the petitioner's land at Rs.2,37,142.19/-. Since the Institute of Forest Genetic Resources

Tree Breeding, Coimbatore has not determined the valuation of the Red Sanders trees standing on the petitioner's land as per the order of the Hon'ble High Court, the petitioner has come forward with this petition to appoint a commissioner to determine the value of the Red Sanders trees standing on the petitioner's land with the assistance of expert committee, consisting of a Senior Professor of the Forestry Department from any one of the Government Agricultural College, a Senior Competent Officer from the Directorate of Indian Agricultural Research Council, and any one of the retired Senior Forest Officer and also to assess the future income loss of Red Sanders trees standing on the petitioner's land. Since, the Hon'ble High Court has disposed of the writ petition in W.P. No.28390/2021 with a direction to this court to decide the issue on merit and in accordance with law, it is just and necessary to determine the value of the Red Sanders trees on the petitioner's land as on the date of Notification issued for acquiring the petitioner's land.

11. The question as to whether the future income loss of Red Sanders trees to be assessed for the purpose of arriving compensation for trees like yielding coconut trees can be decided only by the Expert Committee to be constituted by the Advocate Commissioner to assess the value of the standing Red Sanders trees on the petitioner's land. However, this court is of the view that in order to decide the issue on merit, it is just and necessary to determine the value of the Red Sanders trees standing on the petitioner's land on the date of notification for acquiring petitioner's land. Under these circumstances, the contention of the respondents that appointment of commissioner is not at all necessary and the petitioner has filed this petition only

to drag on the proceedings cannot be sustained.

12. For all the reasons stated above, this court is of the view that it is just and necessary to appoint an advocate commissioner to determine the value of the Red Sanders trees standing on the petitioner's land as on the date of notification for acquiring the petitioner's land with the help of expert committee consisting of a Senior Professor of the Forestry Department from any one of the Government Agricultural College, a Senior Competent Officer from the Directorate of Indian Agricultural Research Council, and any one of the retired Senior Forest Officer from the Forest Department, as prayed for and thus, this point is answered accordingly.

13. In the result, this petition is allowed and **Thiru. P. Kumaresan, Advocate** (MS/643/1998) is appointed as Commissioner to determine the value of the Red Sanders trees standing on the petitioner's land as on the date of notification for acquiring the petitioner's land and the commissioner is directed to inspect the Red Sanders trees standing on the petitioner's land in the presence of both parties and their counsel and assess the value with the help of expert committee to be constituted by him consisting of a Senior Professor of the Forestry Department from any one of the Government Agricultural College, a Senior Competent Officer from the Directorate of Indian Agricultural Research Council, and any one of the retired Senior Forest Officer from the Forest Department. His remuneration is fixed at **Rs.50,000/-** to be paid by the petitioner directly and commissioner's report along with expert committee report call on 10.06.2026.

Dictated to the Steno-typist, typed by him, corrected and pronounced by me in the open Court dated this the 8th day of April 2026.

Principal District Judge,
Namakkal.

Appendix:-

List of witnesses and documents on the side of the petitioner: NIL

List of witnesses and documents on the side of the respondent : NIL

Principal District Judge,
Namakkal.