



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P. (MD) No.180 of 2011

and

M.P. (MD) No.1 of 2012

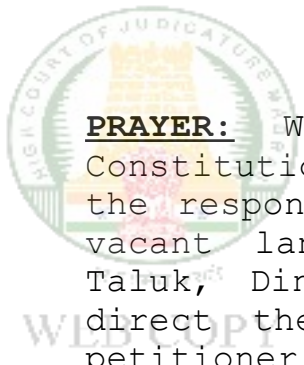
S.Mohammed Hanibha

... Petitioner

-vs-

- 1.The District Collector
Dindigul District, Dindigul
- 2.The Executive Officer
Ayyalur Town Panchayat
Ayyalur, Dindigul District
- 3.The Tahsildar
Vedachandur Taluk Officer
Vedachandur
Dindigul District
- 4.The President
Ayyalur Town Panchayat
Ayyalur, Dindigul District
- 5.The Revenue Inspector
Ayyalur Revenue Division
Ayyalur, Dindigul District
- 6.The Inspector of Police
Vadamadurai Police Station
Vadamadurai, Dindigul District
- 7.Poomi Rajan
- 8.Firka Surveyor
Vedachandur Taluk Office
Vedachandur, Dindigul District
- 9.The Divisional Engineer
National Highway (NH 45)
Dindigul Division, Dindigul
(R9 is impleaded as per order
dated 22.07.2014 in M.P. (MD)
No.1 of 2014)

... Respondents



PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of writ of mandamus to direct the respondents 1 to 6 herein to handover the possession of the vacant land in S.No.935/1B-9 at Ayyalur Village, Vedachandur Taluk, Dindigul District to the petitioner herein and further direct the first respondent to give the compensation to the petitioner herein for demolishing the petitioner's house and shop situate in S.No.935/1B-9 at Ayyalur Village, Vedachandur Taluk, Dindigul District, which was demolished by the respondents 1 to 7 herein by illegal.

For Petitioner : Mr.Gomathi Sankar

For Respondents : Mr.S.Kumar, A.G.P., for R1toR3, R5, R8
R4 & R7-No appearance

O R D E R

The petitioner has filed this writ petition seeking directions to the respondents 1 to 6 to handover the vacant possession of the land in Survey No.935/1B-9 of Ayyalur Village, Vedachandur Taluk, Dindigul District, to him and to direct the first respondent to pay compensation for demolition of his house in the said land.

2. The respondents 1 to 6 and 8 and 9 are the official respondents and the 7th respondent is private respondent. As per the counter affidavit filed by the second respondent, it is seen that the National Highways Authority had acquired lands for widening NH45 by issuing proper notifications. Later, on the directions issued by this Court, the National Highways Authority was impleaded as ninth respondent in the writ petition. It is further stated that the lands in Survey Nos.935/1A and 937/1 and 2 are classified as Cart Track and Pond Poromboke and except those lands, they have not touched any other land for any purpose.

3. It is seen from the counter affidavit that there was an acquisition proceedings for widening NH45 and the land acquisition proceedings were undertaken and suitable compensation was also given to the land owners.

4. A part of the land acquisition notification bearing the names of the acquired land owners was produced by the learned counsel for the petitioner, which shows the name of the petitioner as he is the owner of the land in Survey No.935/5. In that event, it is for the petitioner to work out his remedy with the Land Acquisition Officer in the manner known to law. Moreover, the compensation claimed by the petitioner involves factual aspects as to the quantum to be decided in this matter. The competent Court will be the Civil Court or the authorities concerned under the Land Acquisition Act for deciding the quantum of compensation.



Therefore, this Court cannot venture into arriving at the compensation for the alleged demolition, which has to be proved by way of elaborate evidence by the petitioner.

5. In such circumstances, this Court is of the view that it is a fit case to give direction to the writ petitioner to approach the authorities concerned with regard to the facts of the land acquisition and demolition of his house and the writ petition is not maintainable for the relief prayed for by the writ petitioner.

6. Recording the statement of the second respondent that the official respondents have not dealt with the property of the petitioner, the writ petitioner is given liberty to work out his remedy with National Highways Authority or any other authority concerned in the manner known to law.

7. The writ petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

/True copy/

Sub Assistant Registrar

To:

- 1.The District Collector, Dindigul District, Dindigul.
- 2.The Executive Officer, Ayyalur Town Panchayat, Ayyalur, Dindigul District.
- 3.The Tahsildar, Vedachandur Taluk Officer, Vedachandur, Dindigul District.
- 4.The President, Ayyalur Town Panchayat, Ayyalur, Dindigul District,
- 5.The Revenue Inspector, Ayyalur Revenue Division, Ayyalur, Dindigul District.
- 6.The Inspector of Police, Vadamadurai Police Station, Vadamadurai, Dindigul District.
- 7.Firka Surveyor, Vedachandur Taluk Office, Vedachandur, Dindigul District.
- 8.The Divisional Engineer, National Highway (NH 45), Dindigul Division, Dindigul.

+1 CC to Mr.GOMATHI SANKAR, Advocate, SR No.67884

W.P. (MD) No.180 of 2011
and

M.P. (MD) No.1 of 2012
10.11.2016