



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2017

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

W.A.(MD).No.1248 of 2014

Lakshmi Prabha

: Appellant/Petitioner

Vs.

1. The District Collector,
Tirunelveli.
2. The Managing Director,
Tamilnadu Housing Board,
Chennai.
3. The Executive Engineer cum
Administrative Officer,
Tamilnadu Housing Board,
Tirunelveli Division,
Tirunelveli - 627 011.
4. The Special Tahsildar,
Land Acquisition,
(Neighbourhood Scheme),
Tirunelveli District.

: Respondents/Respondents

PRAYER: Writ Appeal is filed under Clause 15 of Letters patent Act against the order dated 22.01.2014 in W.P.(MD).No.1853 of 2010.

Prayer in WP(MD). 1853/ 2010 :

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of WRIT OF MANDAMUS directing 2nd and 3rd respondents to pay a sum of Rs.10,00,000/- (Rupees Ten Lakhs Only) as compensation towards the value of the land acquired and house constructed in plot No. 156, Sivagami Nagar, Keelanatham Panchayat, Keelanatham village, Palayamkottai Taluk, Tirunelveli District.

For Appellant : Mr.K.Balasundharam
For Respondents : Mr.VR.Shanmuganathan for R1 & R4
Special Government Pleader
Mr.K.Balasubramani for R2 and R3

**JUDGMENT****[Judgment of the Court was delivered by M.M.SUNDRESH,J]**

This is the third round of litigation initiated by the appellant. Earlier, writ petition was filed seeking reconveyance, which was dismissed. Notwithstanding the same, another writ petition was filed against the proposed eviction, which was also dismissed for default. Now, the present writ petition has been filed on the ground that the appellant has been removed illegally and therefore he should be paid compensation.

2. We are of the view that the writ petition, as rightly held by the learned Single Judge, is not maintainable on law and facts. The appellant was removed after the completion of land acquisition proceedings. At least at the time of filing the first writ petition, the appellant was aware of the proceedings.

3. For compensation otherwise payable in the capacity of an owner, the appellant has to approach the jurisdictional Sub Court. Therefore, we do not find any merit in the writ appeal and the same is dismissed. However, liberty is given to the appellant to approach the jurisdictional Sub Court.

4. Since the counsel for the appellant has stated that the award proceedings along with the deposit made in the Civil Court are not known, a direction is issued to the respondent No.4 to furnish a copy of the award particulars regarding the amount deposited in the Civil Court, within a period of 8 weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Tirunelveli.
2. The Special Tahsildar,
Land Acquisition,
(Neighbourhood Scheme),
Tirunelveli District.

- + 1 CC TO Mr.K.BAALASUNDARAM, ADVOCATE IN SR No. 67841
- + 1 CC TO Mr.K.BALASUBRAMANI, ADVOCATE IN SR No. 68080

JIKR

TE/KP/SAR-I : 03/08/2017 : 2P/5C

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ORDER MADE IN
W.A. (MD) .No.1248 of 2014
26.07.2017