



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **14.06.2017**
CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A. (MD)No.600 of 2017

S.R.Sriram : Appellant/Petitioner

Vs.

1. The Secretary,
Department of Rural Development,
Government of Tamil Nadu,
Fort St. George,
Chennai.
2. The District Collector,
Virudhunagar District,
Virudhunagar.
3. The Block Development Officer,
Vembakottai, Sivakasi.
4. The Tahsildar,
Sivakasi Taluk,
Sivakasi.
5. The Project Officer,
Rural Planning and Development,
Virudhunagar Collectorate,
Virudhunagar.

6.S.Ravisekaran

7.S.R.Sridhar : Respondents/ Respondents

PRAYER: Writ Appeal is filed under clause 15 of the Letters Patent, against the order of the learned Single Judge of this Court dated 11.03.2017 made in W.P.(MD).No.14146 of 2010.

Prayer in WP(MD). 14146/ 2010 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, or any other appropriate writ, by or order or directing the respondents to acquire the petitioner s 1/3rd share of land in S.No.138/1 over an extent of 3.60 acres and S.No.138/2 an extent of 2.02 acres in Patta No.686 in Keelanmarainadu village, Sivakasi Taluk, Virudhunagar District under Land Acquisition Act 1894 and



disburse the compensation to the petitioner.

For Appellant : Mr.P.Athimoolapandian

For R1 to R5 : Mr.V.Muruganantham
Additional Government Pleader

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JUDGMENT

[Judgment of the Court was made by T.S.SIVAGNANAM, J.]

Heard Mr.P.Athimoolapandian, learned counsel appearing for the appellant and Mr.V.Muruganantham, learned Additional Government Pleader appearing for the respondents 1 to 5.

2.This Writ Appeal is directed against the order passed in W.P.(MD).No.14146 of 2010, dated 11.03.2017.

3.The Writ Petition has been filed by the petitioner praying for issuance of a Writ of Mandamus to direct the respondents to acquire the petitioner's 1/3th share of land in question under the Land Acquisition Act, 1894 and disburse the compensation to the petitioner.

4.The Writ Court after considering the submissions of the learned counsel for the petitioner held that the appropriate forum before which a sale deed has to be challenged for declaring it as not binding is Civil Court and dismissed the writ petition. After hearing the learned counsel for the appellant and perusal of materials placed on record, We are of the view that the finding of the Writ Court is perfectly in order.

5.The learned counsel for the appellant would submit that the observation contained in paragraph 5 of the order may affect the appellant in case he approaches the Civil Court.

6.On a reading of the impugned order, We find that the Court had made certain observations setting out the legal position and is not in any manner deciding the rights of the parties. Therefore, it is well open to the appellant to approach the Civil Court, which shall decide the matter based on the oral and documentary evidence that may be placed before the Civil Court.

7.With the above observations, this Writ Appeal is dismissed.

Sd/-

Assistant Registrar(CS-I)

/True copy/



To

1. The Secretary,
Department of Rural Development,
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Fort St. George,
Chennai.

2. The District Collector,
Virudhunagar District,
Virudhunagar.

3. The Block Development Officer,
Vembakottai, Sivakasi.

4. The Tahsildar,
Sivakasi Taluk,
Sivakasi.

5. Project Officer,
Rural Planning and Development,
Virudhunagar Collectorate,
Virudhunagar.

+1 cc to Mr.N.Damodharan , Advocate in SR.No. 60042

+1 cc to Special Government Pleader, in SR.No. 60459

ls/sj

AE/SV MMS/SAR2/27.06.2017/3P/8C

ORDER MADE IN
W.A. (MD) No. 600 of 2017
Dated: 14.06.2017