



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.08.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVANW.P(MD)No.14711 of 2017andW.M.P(MD)No.11540 of 2017

Arulsamy

... Petitioner

Vs.

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Deputy Chief Engineer,
Gauge Conversion - II,
Southern Railway,
Tiruchirappalli - 1.

3.The Additional Divisional Engineer,
Southern Railway,
Thanjavur.

4.The Junior Engineer (Works),
Gauge Conversion - II,
Southern Railway,
Pattukkottai,
Thanjavur District.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus directing the respondents not to acquire the petitioner's patta land in New S.No.155, total extent of 5 cents situate at Nattanikottai Village, Peravurani Panchayat, Peravurani Taluk, Thanjavur District, without due process of law of acquisition and thereby, directing the respondents to grant alternate place equivalent to the petitioner's property or to provide adequate compensation to the petitioner in the event of his land is acquired by the respondents-authorities.

For Petitioner
For Respondent

: Mr.S.Deenadhayalan
: Mr.M.Alagathevan,
Special Government Pleader for R.1
Mr.S.Manohar for R.2 to R.4

O R D E R

This writ petition has been filed seeking a writ of Mandamus directing the respondents not to acquire the petitioner's patta land in New S.No.155, total extent of 5 cents situate at Nattanikottai Village, Peravurani Panchayat, Peravurani Taluk, Thanjavur District, without due process of law of acquisition and thereby, directing the respondents to grant alternate place equivalent to the petitioner's property or to provide adequate compensation to the petitioner in the event of his land is acquired by the respondents-authorities.

2. The grievance of the petitioner is that he purchased the property having an extent of 5 cents in New S.No.155, at Nattanikottai Village, Peravurani Panchayat, by a registered sale deeds dated 02.06.1977 and 09.06.1981 vide Document Nos.1106/1977 and 1567/1981 respectively and he is in possession and enjoyment of the same. He is also running a provisional store therein. The said property is located adjacent to a railway track and due to gauge conversion works, the railway services are temporarily stopped and the conversion works are going on. At that juncture, the railway authorities informed the petitioner to vacate the said premises, failing which, they will demolish the same. Therefore, he made a detailed representation dated 07.07.2017 to the railway authorities not to acquire his property without any due process of law. The said representation has not been considered so far and hence, the present writ petition is filed.

3. The learned Counsel for the petitioner would submit that the petitioner apprehends that his property may be acquired in regard to gauge conversion works being undertaken by the railway authorities without due process of law and hence, he seeks to safeguard his interest.

4. Whereas, the learned Special Government Pleader appearing for the first respondent, on instructions, would submit that there is no such proposal for acquiring the property of the petitioner as of now and in the event of such acquisition, it would be done under due process of law.

5. Recording the said submission, this writ petition stands disposed of. No costs. Consequently, the connected writ miscellaneous petition is closed.

Sd/-

Assistant Registrar(ADII)

/True Copy/

Sub-Assistant Registrar



To

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Deputy Chief Engineer,
Gauge Conversion - II,
Southern Railway,
Tiruchirappalli - 1.

3.The Additional Divisional Engineer,
Southern Railway,
Thanjavur.

4.The Junior Engineer (Works),
Gauge Conversion - II,
Southern Railway,
Pattukkottai,
Thanjavur District.

+One cc to Mr.S.Deenadhayalan, Advocate, SR.No.73946

+One cc to The Special Government Pleader, SR.No.74308

rsb

RL/7C/3P/MR/KKR/SAR1/4/9/2017

W.P (MD) No.14711 of 2017

and

W.M.P (MD) No.11540 of 2017

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