



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.06.2017

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.(MD).No.19 of 2017

and

WMP(MD)Nos.15, 5612 and 5632 of 2017

Murugan

... Petitioner

Vs.

1. The District Collector,
Tuticorin District,
Tuticorin.
2. The Chief Engineer (Highways),
(NABARD RURAL ROADS),
Chennai.
3. The Superintending Engineer,
(NABARD RURAL ROADS),
Tirunelveli.
4. The Divisional Engineer (Highways),
(NABARD RURAL ROADS),
Tirunelveli.
5. Esakiyadum Perumal Pillai Chatram,
Represented by its Trustee,
C.Shunmugam,
Karunkulam, Srivaikundam,
Thoothukudi District.

... Respondents 1 to 5

(R5 is impleaded vide Court
order, dated, 05.04.2017 in
W.M.P(MD)No.1064 of 2017)

6. M.S.Abdul Rahman
[R6 impleaded as per order, dated
08.06.2017 made in
WMP(MD)No.5980 of 2017]

... Respondent No.6

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents 1-4 herein from in any way interfering with the peaceful possession and enjoyment of the patta land of the petitioner in S.No.160/1 ad-measuring 56 cents and a vacant land in S.No.160/2 ad-measuring 2.30



acres in Karungulam Village, Tuticorin District.

For Petitioner : Mr. V. Meenakshi Sundaram
For M/S. D. Nallathambi
For R1 to R4 : Mr. B. Pugalendhi
Additional Advocate General
assisted by Mr.D.Muruganandham
Additional Government Pleader

For 5th Respondent : Mr.J.Ashok
For 6th Respondent : Mr.R.Ramasamy

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O R D E R

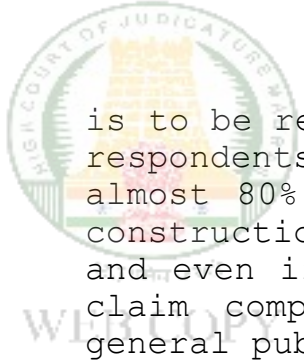
This Writ petition has been filed by the petitioner for issuance of a Writ of Mandamus, forbearing the respondents 1 to 4 herein from in anyway interfering with the peaceful possession and enjoyment of the patta land of the petitioner in Survey No.160/1 ad-measuring 56 cents and a vacant land in S.No.160/2 ad-measuring 2.30 Acres in Karungulam Village, Tuticorin District.

2.Heard the learned counsel appearing for the petitioner, the learned Additional Advocate General appearing for the respondents 1 and 4, the learned counsel appearing for the 5th respondent and the learned counsel for the 6th respondent.

3.The case of the petitioner is that he is the owner of the property in Survey No.160/1 to an extent of 56 cents and 2.30 Acres in Survey No.160/2 of Karungulam Village, Tuticorin District and the respondents 1 to 4 without acquiring the land, started constructing a bridge in his land.

4.Mr.V.Meenakshi Sundaram, learned counsel for the petitioner would further submit that the respondents 1 to 4 have started construction of bridge in the land of the petitioner to an extent of 30 cents without acquiring the land in violation of Article 300-A of the Constitution of India. The learned counsel would further submit that they have no objection to acquire the land for construction of bridge, but the respondents 1 to 4 have to initiate proceedings at least now under the Tamil Nadu Highways Act 2001 and after determining the compensation amount, it can be deposited to the credit of O.S.No.81 of 2009 (Sub Court, Tuticorin) and the party, who succeeds in the suit can be permitted to withdraw the amount. It is further submitted that the suit is now pending before Sub-Court, Tiruchendur and it is not yet renumbered.

5.The learned counsel for the 5th respondent would submit that the 5th respondent Esakiyadum Perumal Pillai Chatram has already instituted the suit against the petitioner before the Sub Court, Tuticorin, in O.S.No.81 of 2009 for declaration of title and for other reliefs and when the title is disputed, the petitioner's claim



is to be rejected at this juncture. It is further submitted that the respondents 1 to 4 have already started constructing a bridge and almost 80% of the construction has been over and they have put up construction to the extent of 30 cents in Survey No.160/1 & 160/2 and even if the 5th respondent succeeds in the suit, they would not claim compensation as the bridge is constructed to benefit the general public.

6.Mr.B.Pugalendhi, learned Additional Advocate General would submit that the Government decided to construct the bridge on the demand made by the general public and the Government has already spent more than Rs.10 Crores and 80% of the construction has already been over. However, in view of the interim order granted in the writ petition, they are not able to proceed further. It is further submitted that the bridge is constructed in the river and therefore, no one can claim title of the property and even if, the site belongs to the petitioner or the 5th respondent, the Government is ready to pay compensation as per law.

7.Taking into consideration the peculiar facts of this case and the submissions of the learned counsels, the official respondents are directed to initiate acquisition proceedings in respect of the claim made by the petitioner and determine the compensation without further delay in accordance with law.

8.In view of the facts and circumstances of the case, the respondents 1 to 4 have to be directed to deposit the value of 30 cents to the credit of the suit O.S.No.81 of 2009 on the file of the Sub-Court, Tuticorin. It is represented that O.S.No.81 of 2009 has been transferred to the Sub-Court, Tiruchendur, on administrative reasons and it is not yet numbered. Hence, the respondents are directed to deposit the compensation amount to the credit of the suit, which is not yet numbered by the Sub Court, Tiruchendur.

9.The learned counsel would submit that another suit in O.S.No.107 of 2015 is pending on the file of the District Munsif Court, Srivaigundam, in respect of the land in Survey No.160/1. In view of the above submission, the respondents 1 to 4 are directed to deposit the compensation amount for 19 cents to the credit of O.S.No.107 of 2015.

10.With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (T&P)

/True Copy/



To

1. The District Collector,
Tuticorin District,
Tuticorin.

2. The Chief Engineer (Highways),
(NABARD RURAL ROADS),
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3. The Superintending Engineer,
(NABARD RURAL ROADS),
Tirunelveli.

4. The Divisional Engineer (Highways),
(NABARD RURAL ROADS),
Tirunelveli.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 59368
+ 1 CC TO Mr.D.NALLA THAMBI, ADVOCATE IN SR No. 59314
+ 1 CC TO Mr.J.ASHOK, ADVOCATE IN SR No. 59468
+ 1 CC TO Mr.R.RAMASAMY, ADVOCATE IN SR No. 59565

SM/TA

TE/KKR/SAR-IV : 10/07/2017 : 4P/9C

ORDER MADE IN
W.P.(MD).No.19 of 2017 and
WMP(MD).Nos.15,5612 & 5632 of 2017
08.06.2017