



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.20575 and 20576 of 2017
and

W.M.P(MD)Nos.16864 and 16865 of 2017

T.Lakshmi

.. Petitioner in
W.P(MD)No.20575 of 2017

R.Kalarani

.. Petitioner in
W.P(MD)No.20576 of 2017

Vs.

1.The District Collector,
Theni District, Theni.

2.The Commissioiner,
Theni Allinagaram Municipality,
Theni.

.. Respondents in
both W.Ps.

COMMON PRAYER: Writ Petitions are filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the second respondent to pay the fair and just compensation to the petitioners for illegally taken their lands measuring 16¾ and 16¾ cents, respectively, comprised in S.No.193/1, Karuvelanayakkanpatti Village in Theni Allinagaram, covered under Document Nos.3385/86 and 3381/86, dated 05.11.1986, within a reasonable time to be fixed by this Court and on failure direct him to release the said lands from the declaration of public purpose for laying the road as under Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.

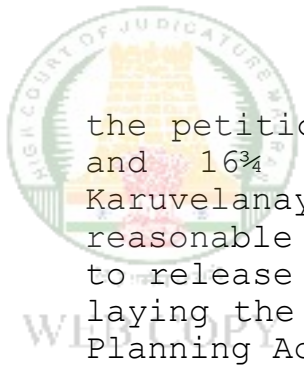
For Petitioner : Mr.R.Suriyanarayanan
in both W.Ps.

For Respondent No.1 : Mr.T.S.Mohammed Mohideen,
in both W.Ps. Additional Government Pleader.

For Respondent No.2 : Mr.K.Hemakarthiskeyan
in both W.Ps.

COMMON ORDER

These writ petition are filed seeking a writ of Mandamus to direct the second respondent to pay fair and just compensation to



the petitioners for illegally acquiring their lands admeasuring 16 $\frac{3}{4}$ and 16 $\frac{3}{4}$ cents, respectively, comprised in Survey No.193/1, Karuvelanayakkanpatti Village, Theni Allinagaram, within a reasonable time, as fixed by this Court and on failure, direct him to release the said lands from the declaration of public purpose for laying the road under Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.

2.Heard both sides.

3.The case of the petitioners is that they are the owners of the lands admeasuring 16 $\frac{3}{4}$ and 16 $\frac{3}{4}$ cents, respectively, comprised in Survey No.193/1, Karuvelanayakkanpatti Village, Theni Allinagaram. The second respondent, without initiating any acquisition proceedings and also without awarding any compensation, tried to lay roads in their lands. Therefore, they made separate representations, dated 16.10.2017, seeking either to pay compensation or release their lands. Since, the same have not been considered so far, the petitioners are before this Court.

4.The learned counsel for the petitioners would submit that it would be suffice, if the representations of the petitioner dated 16.10.2017, are directed to be disposed of by the second respondent, as per law.

5.Considering the limited scope of the relief sought for, this Court, without going into the merits of the petitioners' claim, directs the second respondent to consider the representation of the petitioners, dated 16.10.2017, and pass appropriate orders on its own merit and in accordance with law, after affording due opportunity of hearing to the petitioners as well as any of the interested parties, within a period of six weeks from the date of receipt of a copy of this order.

6.The writ petitions are disposed of as above. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (Records)

/True Copy/

Sub-Assistant Registrar

To

1.The District Collector, Theni District, Theni.

2.The Commissioner,

Theni Allinagaram Municipality, Theni.

+2ccs to Mr.R.Suriyanarayanan, Advocate, SR.No.91325

+One cc to The Special Government Pleader, SR.No.91444

smn

RL/6C/2P/SKN/RSK/SAR4/26/12/2017

COMMON ORDER MADE IN
W.P (MD) No.20575 and 20576 of 2017
and
W.M.P (MD) Nos.16864 and 16865 of 2017
05.12.2017