



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. (MD) No.2835 of 2017

K.Muthusamy

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District, Tirunelveli.

2.The Special District Revenue Officer,
(Land Acquisition Officer),
Tamil Nadu Road Development Scheme - II SH 39,
16, Asarath Abdulkalam Road,
Kaja Nagar,
Trichirapalli - 629 020.

3.The Divisional Engineer (Highways),
Tamil Nadu Road Development Scheme - II,
13th Cross Street,
Maharaja Nagar,
Tirunelveli.

...Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to allot alternative place to continue the petitioner's shopping store as a compensation for acquisition by the second respondent in his proceedings in Na.Ka.No.297/14/AB dated 30.12.2014 to acquire his shop in Survey No.423/2C situated at Alangulam, Tirunelveli District, in the light of the Petitioner's representation dated 31.12.2016.

For Petitioner : Mr.S.R.A.Ramachandran

For Respondents : Mr.M.Alaguthevan,
Special Government Pleader

ORDER

The petitioner seeks for a Writ of Mandamus directing the second respondent to allot an alternative place for continuing his shopping business, by considering his representation dated 31.12.2016.



2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

3. The case of the petitioner is that the petitioner's father owns a property in Survey No.423/2C, at Alangulam, Tirunelveli District. They were running a shopping centre on the said property, which has been acquired by the second respondent herein, for laying a Four-way Bye-pass road from Tirunelveli to Sengottai, under the Tamil Nadu Road Development Scheme (SH 39). Therefore, the petitioner submitted a representation dated 31.12.2016, seeking the respondents to allot an alternative place for running a shopping centre. As the same has not been considered by the respondents, the petitioner has filed this writ petition.

4. The learned Counsel for the petitioner would submit that it would be suffice, if the representation of the petitioner dated 31.12.2016, is disposed of by the respondents as per law.

5. The learned Special Government Pleader appearing for the respondents submitted that claim of the petitioner for allotting an alternative shopping centre will be considered and necessary orders will be passed, if sufficient time is granted.

6. Considering the facts and circumstances of the case, this Court, without going into the merits of the petitioner's claim, directs the third respondent to consider the representation of the petitioner dated 31.12.2016 and pass appropriate orders on its own merit and strictly in accordance with law, after affording due opportunity of hearing to the petitioner, within a period of six weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub-Assistant Registrar

To

1.The District Collector, Tirunelveli District, Tirunelveli.

2.The Special District Revenue Officer,

(Land Acquisition Officer),

Tamil Nadu Road Development Scheme - II SH 39,

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Trichirapalli - 629 020.

3.The Divisional Engineer (Highways),

Tamil Nadu Road Development Scheme - II, 13th Cross Street,

Maharaja Nagar, Tirunelveli.

+One cc to Mr.S.R.A.Ramachandran, Advocate, SR.No.67801