



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **04.09.2017**

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

WEB COPY

**W.P (MD) No.10423 of 2013**

**and**

**M.P (MD) No.2 of 2013**

1.D.Balasubramanian @ M.D.Balasubramanian

2.D.Lakshmanan

3.D.Jothi Ramalingam

[Petitioners are Hereditary Trustees, Valaiveesi  
Theppakulam Private Family Arrakkattalai,  
Opp. to Kennet Hospital, Kennet Hospital Junction Road,  
Madurai - 625 016] .. Petitioners

Vs.

1.The District Collector,  
Madurai District, Collectorate Buildings,  
Madurai - 625 020.

2.The Tahsildar,  
Madurai South Taluk, Collectorate Buildings,  
Madurai.

3.The Divisional Railway Manager(Works),  
Southern Railway, Divisional Office,  
Railway Colony, Madurai - 16. .. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to cancel the classification of the petitioners lands in Survey No.35/2, measuring an extent of 0.1693.0 sq. metre as Road Poramboke, situated at Block No.85, Ward No.5, Melmadurai Village, Madurai South Taluk, Madurai District and to settle the compensation for the acquisition of the above land by considering and passing of appropriate orders in the petitioner's representations dated 07.06.2012 and 20.12.2012.

For Petitioners

: Mr.P.Mahendran

For Respondents 1 and 2

: Mr.S.Kumar,  
Additional Government Pleader.

<https://hcservices.ecourts.gov.in/hcservices/>

For Respondent No.3

: Mr.S.Manohar

**ORDER**

This writ petition is filed seeking a writ of mandamus to direct the first respondent to cancel the classification of the petitioners lands in Survey No.35/2, measuring an extent of 0.1693.0 square metre situated at Block No.85, Ward No.5, Melmadurai Village, Madurai South Taluk, Madurai District as Road Poramboke and settle the compensation for the acquisition of the above lands, based on their representations, dated 07.06.2012 and 20.12.2012, within the time stipulated by this Court.

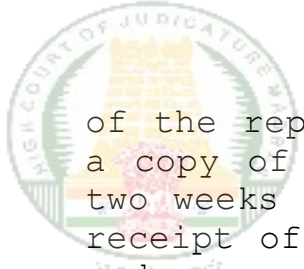
2.The case of the petitioners is that the land to an extent of 1820 square metre situates in T.S.No.35, belongs to the petitioners trust, has been acquired for the purpose of construction of a road over bridge. After acquisition, the first respondent, vide his proceedings, dated 31.03.2009, informed that the second respondent has reported that out of 1820 square metre, only an extent of 813 square metre of patta land is involved in the acquisition and the remaining extent of 1693 square metre has been classified as road poromboke. According to the petitioners, since the said classification was made without issuing any notice to the petitioners, they made several representations to the first respondent, seeking to cancel the said classification and settle the award amount for that part of the land. Thereafter, the petitioners received a communication, dated 23.03.2013, wherein it is stated that necessary action would be taken after getting a report from the Revenue Divisional Officer, Madurai. But, now the third respondent is taking steps for laying railway track through the disputed land. Therefore, the petitioner is before this Court.

3.Heard both sides.

4.According to the learned counsel appearing for the petitioners, the dispute with regard to classification of their lands in Survey No.35, measuring an extent of 0.1693.0 square metre situated at Block No.85, Ward No.5, Melmadurai Village, Madurai South Taluk, Madurai District, has been decided in favour of them in S.A.No.376 of 1987 by this Court and the Special Leave Petition filed by the first respondent before the Hon'ble Supreme Court, came to be dismissed and the petitioners had already submitted representations dated 07.06.2012 and 20.12.2012 to the respondents for settlement of compensation for the acquisition of their lands and the same are still pending.

5.The learned Additional Government Pleader appearing for the respondents 1 and 2 submitted that no such representations are pending before the first respondent.

<https://hcservices.ecourts.gov.in/> Considering the submission made on the side of the respondents 1 and 2, this Court, without going into the merits of the petitioners' claim, directs the petitioners to submit copies



of the representations dated 07.06.2012 and 20.12.2012 along with a copy of this order to the first respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the first respondent shall consider the same and pass appropriate orders on its own merit and in accordance with law, after giving due notice and also affording due opportunity of hearing to the petitioners, the third respondent as well as any of the interested parties, within a period of four weeks thereafter. Till the disposal of the representations, no alienation shall be made in the property in question, by either of the parties.

7.The writ petition is disposed of as above. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,  
Madurai District, Collectorate Buildings, Madurai - 625 020.

2.The Tahsildar,  
Madurai South Taluk, Collectorate Buildings, Madurai.

+1cc to M/S.S.MANO HAR, Advocate SR.No.76481

+1cc to M/S.N.R.BALAJI, Advocate SR.No.76388

smn

MAS/SV-MMS/SAR2:12.09.2017:3P-5C

**ORDER MADE IN**  
**W.P (MD) No.10423 of 2013**  
**and**  
**M.P (MD) No.2 of 2013**  
**04.09.2017**