

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 19.09.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P. (MD) No.13845 of 2013****and****M.P (MD) No.1 & 2 of 2013**

V.Selvaraj

... Petitioner

Vs.

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The District Revenue Officer,
Acquiring Authority,
Thanjavur.

3.The Thasildar,
Thanjavur Taluk Office,
Thanjavur.

4.The Divisional Engineer,
Highways,
NABARD & Rural Roads,
Thanjavur - 613 001.

5.Jayakumar

6.Loganathan

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the 3rd respondent dated Nil. 2012 2012 in so far as serial No.31, pertaining to T.S.No.2038/2, Nagai-Trichy Road, Thanjavur is concerned and quash the same and direct the respondents 2 to 3 to refer the dispute pertaining to the entitlement to receive compensation in respect to T.S.No.2038/2 to the 1st respondent to decide the apportionment of the compensation.

For Petitioner : Mr.G.Jeremiah
For Respondents : Mr.J.Gunaseelan Muthiah,
Government Advocate for R.1 to R.4

**ORDER**

This writ petition has been filed by the petitioner seeking a Writ of Certiorarified Mandamus to quash the impugned notice of the third respondent dated Nil., insofar as the Serial No.31, pertaining to T.S.No.2038/2, Nagai-Trichy Road, Thanjavur is concerned and to direct the respondents 2 & 3 to refer the dispute, seeking entitlement to receive compensation, to the first respondent to decide the same.

2. According to the petitioner, the property in question belongs to his father R.Viswalinga Pathar, who rented out the same to one Alamelu Ammal. After the demise of his father in the year 1990, the legal heirs are enjoying the possession. By the impugned notice, the third respondent has stated that certain lands were proposed to be acquired under Section 15 of the Tamil Nadu Highways Act, 2001 and pursuant to the same, the fifth & sixth respondents herein were taking steps to get the compensation amount, insofar as the property in question is concerned, stating that they are the absolute owners. Being one of the legal heirs of the said R.Viswalinga Pathar, the petitioner's mother and the petitioner himself raised their objections to the respondents by way of representations dated 15.07.2013 & 23.07.2013 and as the same are kept pending, without any action, the petitioner is constrained to come before this Court, with the aforesaid prayer.

3. Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for the respondents 1 to 4. There is no representation for respondents 5 & 6.

4. Though the prayer in this writ petition is for a larger relief, the learned Counsel for the petitioner now confines his prayer to the extent that his representation shall be disposed of by the first respondent, in the manner known to law, within a stipulated time limit.

5. Considering the limited scope of the relief sought for, this Court, without going into the merits of the case, directs the first respondent to consider the petitioner's claim seeking entitlement to receive the compensation as well as apportionment of the same and pass appropriate orders, on its own merits and in accordance with law, after affording due opportunity of hearing to the petitioner as well as fifth & sixth respondents, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above directions, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/



To

- 1.The District Collector,
Thanjavur District,
Thanjavur.
- 2.The District Revenue Officer,
Acquiring Authority,
Thanjavur.
- 3.The Thasildar,
Thanjavur Taluk Office,
Thanjavur.
- 4.The Divisional Engineer,
Highways, NABARD & Rural Roads,
Thanjavur - 613 001.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 79865
gk
JS/SKN.RSK/SAR.2/3.10.2017/3p-6c

W.P. (MD) No.13845 of 2013
and
M.P (MD) Nos.1 & 2 of 2013
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