

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2018

CORAM : THE HON'BLE Mr.JUSTICE N.SESHASAYEE

W.P.No.30325 of 2015
and
M.P.No.1 of 2015

K.Kumar

... Petitioner

Vs.

1. The District Collector,
District Collectorate,
Salem.
2. The Land Acquisition Officer and
District Revenue Officer,
District Collectorate, Salem.
3. Revenue Divisional Officer,
O/o, Revenue Divisional Officer,
Sankagiri,
Salem District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in Na.Ka.No.64646/2001 B1 dated 30.04.2015 on the file of the 2nd Respondent and quash the same; consequentially direct the Respondents to pay compensation at the rate of Rs.550/- per Sq.ft., in respect of the petitioner's entire property having extent of 2302 Sq.Ft., comprised in Survey No.260/11 in Ernapuram Village, Sankagiri Taluk, Salem District and to pay a sum of Rs.8,00,000/- (Rupees Eight Lakhs only) towards the value of the building and Rs.50,000/- towards the value of the Well on the petitioner's property within a reasonable time to be fixed by this Court.

For Petitioner : Mr.R.Neelakandan

For Respondents : Mr.M.Karthikeyan
Government Advocate

ORDER

The case of the petitioner is that the petitioner owned two adjacent plots of lands, one comprised in S.No.260/11 and

another in S.No.260/2, both in Ernapuram Village, Sankagiri Taluk, Salem District. According to the petitioner, S.No.260/2 was acquired for the purpose of constructing a Railway over bridge. In the award enquiry, no compensation was paid for the building in S.No.260/2 and hence, the petitioner has approached this Court seeking a Writ of Certiorarified Mandamus to quash the said award of the 2nd respondent, dated 30.04.2015 and to direct the respondents to pay the compensation at the rate of Rs.550/- sq.ft., in respect of the entire property.

2. In counter, which it is inter alia averred that only a fraction of property in S.No.260/11 was acquired and award too was passed on 18.12.2011. So far as the property in S.No.260/2 is concerned, no compensation was awarded since it is classified as Grama Natham, Government Poramboke Land.

3. When the case came up on an earlier occasion, this Court attempted to understand if there was any confusion over demarcation of survey fields in S.No.260/11 and 260/2 and directed the Tahsildar concerned to survey the petitioner's land and file his report and the same has been filed.

4. Heard Mr.R.Neelakandan, the learned counsel for the petitioner and Mr.M.Karthikeyan, the learned Additional Government Pleader appearing for the respondents.

5.1. So far as petitioner's contention that the compensation was not paid for the building in S.No.260/11 is concerned, a sum of Rs.20,374/- has indeed been awarded for the said building. However, in the context of the prayer in this writ petition, if the petitioner is aggrieved about the quantum awarded for the property in S.No.260/11 is concerned, he ought to have approached the District Collector under Section 20(1) of the Tamil Nadu Highways Act, 2001. Since the petitioner has approached the Court instead, the time lost during the pendency of this petition may be ignored by the Collector, if the petitioner approaches the Collector with a petition seeking Reference under Section 20(1).

5.2. As to the Second contention pertaining to the property under S.No.260/2 is concerned, inasmuch as the Government / Respondents asserts that it belongs to the Government and raises a question as to title to the said property, it can be resolved only by the Competent Civil Court.

6. In the said circumstances, the prayer in this writ petition cannot be entertained by this Court and the writ petition is

dismissed with observations. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

ssn

To

1. The District Collector,
District Collectorate,
Salem.
 2. The Land Acquisition Officer and
District Revenue Officer,
District Collectorate, Salem.
 3. Revenue Divisional Officer,
O/o, Revenue Divisional Officer,
Sankagiri,
Salem District.
- + 1 cc to Mr.R.Neelakandan Advocate, SR.19540
+ 1 cc to The Govt.Pleader, SR.20931

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