



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.4771 of 2018
and
W.M.P. (MD) No.4785 of 2018

1. Paramasivam
2. Ganapathy
3. Velammal
4. Andi
5. Palanikumar
6. Seenivasan
7. Murugavel
8. Danasekar
9. Arumugam
10. Thanga Muneeswaran
11. Soundira Pandian
12. Rathina Pandian
13. Paramasivam
14. Murugamalai
15. Kalimuthu
16. Pandi
17. Saroja
18. Amutha
19. Palpandi
20. Veeru Chinnammal
21. Balamurugan
22. Pandiarajan
23. Nagaraj

... Petitioners

Vs.

1. The District Collector,
Theni District.
2. The Competent Authority &
Special District Revenue Officer (Land Acquisition),
National Highways 45E & 220,
Theni.
3. The Revenue Divisional Officer,
Periyakulam, Theni District.
4. The Special Tahsildar (Land Acquisition)
National Highways 45E & 220
Theni.



5. The Tahsildar,
Taluk Office, Periyakulam,
Theni District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents herein, their men, agents or any one claiming under them from in any manner disturbing the living condition of petitioners in Plot Nos. 1 to 25 in Mela Endapuli Village, Periyakulam Taluk, Theni District, till alternative place with suitable living condition is assigned to the displaced petitioners in accordance with law and consequently direct the respondents herein to allot 25 cents of vacant land in S.No.370/2 along with 35 cents already ear marked for allotment as house site with proper survey, measurement and fixing boundaries, for displaced petitioners.

For Petitioners : Mr.Prabu Rajadurai for
Mr.K.Appadurai
For Respondents : Mr.M.Rajarajan,
Government Advocate

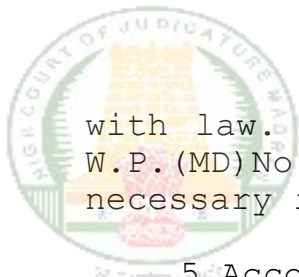
ORDER

The writ petitioners are 23 in number. According to them they have been living in Survey No.370/2, Mela Endapuli Village, Periyakulam Taluk, Theni District. They are now sought to be displaced for laying highway. Therefore, they want assignment of alternative sites. This Court restrained the respondent from displacing the petitioners till alternative site was allotted.

2.When the matter was taken up for hearing, the respondent officials filed a detailed statement. It is seen therefrom that except petitioners 8,10,12,21,22 and 23, the other petitioners were given due compensation. They had also been given alternative sites. Therefore, the grievances expressed by the other petitioners have thus been totally redressed.

3.The specific stand of the respondents is that petitioners 8,10 and 12 are not even living in S.No.370/2. The learned counsel appearing for the petitioner is unable to rebut this statement made by the learned counsel for the respondents. It is true that petitioners 21, 22 and 23 are residing in S.No.370/2, but they are not having any assignment patta in their favour. It is stated that the land in their occupation is not even touched at the present.

4.At this stage, the learned counsel appearing for the petitioner would submit that the petitioners herein have earlier filed W.P.(MD)No.9688 of 2018 and this Court by order dated 26.04.2018 had directed the District Collector, Theni to dispose of their representation dated 08.01.2015 on merits and in accordance



with law. Since, a direction has also been given by this Court in W.P.(MD)No.9688 of 2018, I am of the view that no further orders are necessary in this writ petition.

5. Accordingly, this writ petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1. The District Collector,
Theni District.
2. The Competent Authority &
Special District Revenue Officer (Land Acquisition),
National Highways 45E & 220
Theni.
3. The Revenue Divisional Officer,
Periyakulam,
Theni District.
4. The Special Tahsildar (Land Acquisition)
National Highways 45E & 220
Theni.
5. The Tahsildar,
Taluk Office, Periyakulam,
Theni District.

+ 1 CC TO Mr.K.APPADURAI, ADVOCATE IN SR No. 97247
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 97591

PNN

TE/SV/SAR-3 : 20/12/2018 : 3P/8C

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