



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.09.2018

CORAM:

THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

W.P. (MD)No.17308 of 2014
and
M.P. (MD)No.1 of 2014

Palanisamy

: Petitioner

Vs.

1.The District Collector,
Karur District,
Karur.

2.The Special Tahsildar (Land Acquisition)
Salem Karur New Broad Gauge,
Railway Line Scheme, Sub-Collector Office Compound,
Karur-2.

3.The Engineer,
Salem Karur New Broad Gauge,
Railway Line Scheme, Sub-Collector Office Compound,
Karur-2.

4.Kannaian

5.Thangarasu

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the 2nd respondent not to disburse the award of compensation amount in favour of the 4th and 5th respondents herein as per his notification dated 19.8.2012 in his proceedings in Se.Ma.Tho./E/227/Nilam Kaiyagam/2012 without hearing the objections of the petitioner and pass such further or other orders as this Hon'ble Court.

For Petitioner : Mr.S.Gokul Raj

For Respondents : Mr.R.Murugan

Addl. Govt. Pleader for R-1 & R-2

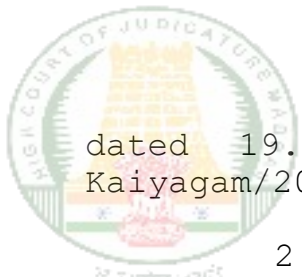
R-3-dismissed for default

Mr.G.Manikandan for R-4

No appearance for R-5

ORDER

This writ petition has been filed, for directing the 2nd respondent not to disburse the award of compensation amount in favour of the 4th and 5th respondents herein as per his notification



dated 19.8.2012 in his proceedings in Se.Ma.Tho./E/227/Nilam Kaiyagam/2012 without hearing the objections of the petitioner.

2.The petitioner would state that he is the owner of the land in S.F.No.329-2"o" 1 situated at Karur Taluk, Karur District along with other properties and the properties are ancestral properties of himself. After the demise of his father, he is in peaceful possession and enjoyment of property jointly and separately. The revenue authorities had issued a joint patta passbook No.426466 and the petitioner is regularly paying the revenue tax as far as S.F.329-2"o" 1B is concerned, which is form part of S.F.No.329-2"o" 1 consisting of 40 cents.

3.The petitioner would further state that there is a vacant land and residential house in the above said land and it is in joint possession of 4th and 5th respondents. The petitioner would also state that the second respondent surveyed the land for acquiring the land for laying railway line in the month of February 2012. S.F.329-2"o" 1B is form part of S.F.No.329-2"o" 1 consisting of 40 cents. Since he is the owner of 20 cents, he has issued a legal notice regarding his ownership and then the notice under Section 4 (1) of the Land Acquisition Act was issued by the second respondent on 19.08.2012, declaring that they have to acquire the land in S.F.329-2"o" 1B.

4.The grievance of the petitioner is that the respondents had erroneously cited the names of 4th and 5th respondents as landowners for the entire extent of 40 cents. Therefore, on the same day itself, the petitioner approached the second respondent and made a written objection, informing that he is the owner of 20 cents. At that point of time, he was advised that the acquisition proceedings are at preliminary stage and his objections would be considered in the appropriate stage.

5.Now, the award has been passed in the above notification. According to him, he is the owner of 20 cents out of 40 cents. Therefore, without hearing him, the award of compensation should not be disbursed to the 4th and 5th respondents.

6.Considering the limited scope of the writ petition, without adverting to the merits of the case, the petitioner is directed to give his written objections to the second respondent along with necessary documents to prove his title and thereof, the second respondent shall afford an opportunity of hearing to the petitioner and the respondents 4 and 5 and pass orders thereafter. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.



7. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl Side)

// True Copy //

Sub Assistant Registrar (CS-IV)

To

1. The District Collector,
Karur District,
Karur.

2. The Special Tahsildar (Land Acquisition)
Salem Karur New Broad Gauge,
Railway Line Scheme, Sub-Collector Office Compound,
Karur-2.

3. The Engineer,
Salem Karur New Broad Gauge,
Railway Line Scheme, Sub-Collector Office Compound,
Karur-2.

+1 CC To MR.D.SELVANAYAGAM, Advocate SR. NO. 87217
+1 CC To MR.S.GOKULRAJ, Advocate SR. NO.86521
+1 CC To MR.G.MANIKANDAN, Advocate SR. NO. 86473
+1 CC TO The Special Government Pleader SR.NO.86768

W.P. (MD) No.17308 of 2014

VS

TR/RP/SAR-IV(22.10.2018) 3P 8C