



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE **M.GOVINDARAJ**

WEB COPY

W.P. (MD) No.4728 of 2015

S.S.Mohan

: Petitioner

Vs.

The Commissioner,
Madurai Corporation,
Aringgar Anna Malaigai,
Alagarkovil Road,
Tallakulam,
Madurai-625 002.

: Respondent

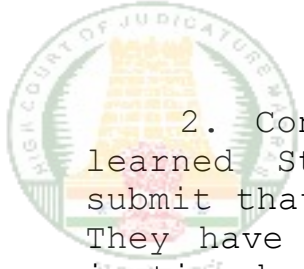
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondent to pay compensation at the market value prevailing as on today with interest for the petitioner's land in measuring about 2950 sq.ft. on the southern side of the property in Survey No.73 New Survey No.42, Ward No.10, Block No.4, situated at Alwarpuram, Vaigai Vadakarai, Madhichiyam, Madurai North in Town planning Part-I 'AA' "50" feet width road from Alwarpuram Road to Shenoy Nagar Cross Street which was forcibly acquired by the respondent by acquisition proceedings.

For Petitioner
For Respondent

: Mr.T.R.Subramanian
: Mr.T.S.Mohammed Mohideen

ORDER

The petitioner claims himself as the owner of the property measuring about 2950 sq.ft. on the southern side of the property in Survey No.73, Survey No.42, Ward No.10, Block No.4 situated at Alwarpuram, Vaigai Vadakarai, Madhichiyam, Madurai North. In support of his claim, he produced the sale deed executed in favour of his father, dated 07.04.1961. It appears that on 27.01.1970, Corporation of Madurai, passed the resolution bearing Resolution No.2791 to acquire a link road in Town Survey Nos.73 and 79 in Madhichiyam Town Planning Scheme, Ward No.10, Madurai. According to the petitioner, on 06.03.1970, notice was served on the owners. Thereafter, road was laid, but, compensation was not paid. Therefore, the petitioner has been making representation from 2004 onwards. But, till date, the respondent Corporation has not paid any compensation.



2. Controverting the statement made by the petitioner, the learned Standing Counsel appearing for the Corporation would submit that the land was left over by the owners in the year 1978. They have started making representation from 2004 onwards, which is time barred and at this distance of time, the petitioner cannot claim any relief. However, the respondent is willing to consider the representation submitted by the petitioner dated 25.11.2014, as per the communication sent by the Commissioner, Madurai Corporation, in k.bgh.4/01406/08> dated 28.03.2008, provided the petitioner establishes his title by way of documentary evidence.

3. Considering the facts and circumstances of the case, the respondent is directed to dispose of the representation made by the petitioner dated 25.11.2014, in view of the communication issued in M.O.P.A.4/01406/08, dated 28.03.2008 and on the basis of the documents to be submitted by the petitioner to establish his title, after affording an opportunity of personal hearing to the petitioner, within a period of ten weeks from the date of receipt of a copy of this order.

4. The Writ Petition stands disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

The Commissioner,
Madurai Corporation,
Arigngar Anna Malaigai,
Alagarkovil Road,
Tallakulam,
Madurai-625 002.

+1cc to Mr.T.S.Mohammed Mohideen, Advocate Sr.No.74496
+1cc to Mr.T.R.Subramanian, Advocate Sr.No.74379

SML

VB/KAK/SAR4/10.08.2018/2P/4C

Order made in
W.P. (MD) No.4728 of 2015
Dated: **23.07.2018**