



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 27.08.2018

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**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI**

W.A. (MD) No.1071 of 2018
and
C.M.P (MD) No.7655 of 2018

Selvaraj

.. Appellant/Petitioner

Vs.

1. The Revenue Divisional Officer,
Usilampatti,
Madurai District.

2. The Inspector of Police,
Kallikudi Police Station,
Kallikudi, Madurai District.

3. Guruvammal

.. Respondents/Respondents

Prayer : Writ Appeal filed under Section 15 of Letters Patent, to set aside the order dated 11.06.2018 made in W.P(MD)No.2493 of 2018 and allow the writ appeal.

Prayer in WP(MD)No.2493/ 2018 :

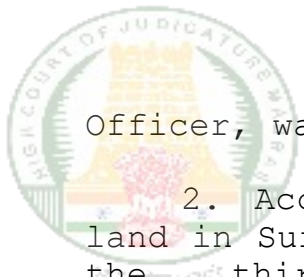
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records pertaining to the impugned order in Mu.Mu.No. 1981 / 2017 / Aa4, dated 19/10/2017 passed by the 1st Respondent and quash the same.

For Appellant : Mr.R.Murugappan
For R-1 & R-2 : Mrs.J.Padmavathi Devi,
Special Government Pleader

JUDGMENT

**[Judgment of the Court was delivered by
PUSHPA SATHYANARAYANA, J.]**

<https://hcservices.ecourts.gov.in/hcservices/> This Writ Appeal is directed against the order passed on 11.06.2018 in W.P(MD)No.2493 of 2018, wherein the order passed in Mu.Mu.No.1981/2017/Aa4, dated 19.10.2017 by the Revenue Divisional



Officer, was under challenge.

2. According to the appellant, his father Kalimuthu owned a land in Survey No.197/3A2, having an extent of 0.28.5 hectares and the third respondent Guruvammal owned a land in Survey No.197/3B2, having an extent of 0.57.0 hectares.

3. The learned counsel for the appellant submitted that in the Land Acquisition proceedings, when the lands were acquired, the father of the appellant has been given compensation for the lands acquired in Survey No.197/3A1 for an extent of 0.42.0 hectares and the third respondent was awarded compensation for the lands acquired in Survey No.197/3B1 for an extent of 0.41.5 hectares. After the lands were acquired by the Government, the appellant's father filed L.A.O.P.No.73 of 1998 for enhancement of compensation. The said L.A.O.P., was allowed on 21.10.2003. Pursuant to the same, execution application was filed for disbursement of enhanced award amount. During which time, the third respondent claimed herself to be the title holder of the land acquired by the Government and filed an objection. When the dispute was raised, the first respondent had passed the impugned order dated 19.10.2017 holding that the third respondent is entitled to receive the compensation. Aggrieved by the said order, the appellant has filed the above writ appeal.

4. The learned Special Government Pleader appearing for the respondents 1 and 2 submitted that before the first respondent, the third respondent had produced the title deed, which is a sale deed dated 19.02.1977 under which she had purchased 4 acres 17 cents of lands. The land acquisition proceedings was much later as the 4(1) notification was issued on 20.11.1990 only. Before the first respondent, the appellant did not appear and also did not produce any documents. Hence, the first respondent after considering the title deeds produced by the third respondent herein has rightly passed the order holding that the third respondent is entitled to receive the compensation.

5. This Court heard the submissions made on either side and perused the materials placed it.

6. It is seen that when the order passed by the first respondent was challenged before the learned single Judge, the appellant / writ petitioner was only directed to file a civil suit to establish his title and then make his claim. In the absence of any piece of evidence to show that the appellant's father was the owner of the property, the appellant / petitioner is trying to take advantage of the entries made in the A-Register. Even though the father of the appellant died as early as on 31.12.2009, no steps have been taken to produce the documents in support their claim. Hence, liberty was granted to the appellant / writ petitioner, to move the civil Court. Without the title of the appellant being established, he cannot make any claim. As a direction is already given by the learned single Judge, no further direction is required



and the writ appeal is dismissed. No Costs. Consequently,
connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

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/True Copy/

Sub Assistant Registrar (CS-I)

To:

1. The Revenue Divisional Officer,
Usilampatti,
Madurai District.
2. The Inspector of Police,
Kallikudi Police Station,
Kallikudi, Madurai District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 80351

PM

TE/SKN/SAR-1 : 10/09/2018 : 3P/4C

Judgment made in
W.A(MD)No.1071 of 2018
27.08.2018