



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 16.11.2018

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.22881 of 2018

and

W.M.P(MD)No.20763 of 2018

Pushpavalli

..Petitioner

Vs

1.The District Collector,
Pudukkottai District.

2.The District Revenue Officer,
Pudukkottai District.

3.The Special Tahsildar,
Land Acquisition National Highway No.226,
Division No.2, Pudukkottai District.

4.Rengasamy.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the second respondent vide Na.Ka.No.4/2018/(Ni.A) (They.Ney), dated 15.5.2018 and to quash the same as illegal and consequently to direct the third respondent to provide adequate compensation to the Petitioner and other legal heirs of Arumuga Konar as per the existing patta in R.S.No.254/3,339/10A, 341/8 and 339/1 of Vellanoor Village, Kulathoor Taluk, Pudukkottai District.

For Petitioner :Mr.K.P.Narayanakumar

For Respondents :Mrs.J.Padmavathi Devi
1 to 3 Special Govt.Pleader

ORDER

The Petitioner has prayed for issuance of a Writ of Certiorarified Mandamus to quash the order passed by the second respondent vide Na.Ka.No.4/2018/(Ni.A) (They.Ney), dated 15.5.2018 and consequently to direct the third respondent to provide adequate compensation to the Petitioner and other legal heirs of Arumuga Konar as per the existing patta in R.S.No.254/3,339/10A, 341/8 and 339/1 of Vellanoor Village, Kulathoor Taluk, Pudukkottai District.



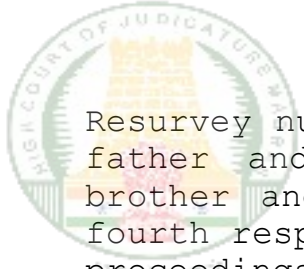
2. Mrs. J. Padmavathi Devi, learned Special Government Pleader takes notice for the respondents 1 to 3. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

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3. The case of the Petitioner is that the property in the above Resurvey Numbers originally owned by the Petitioner's paternal grandfather namely Govindan Konar and the above said Govindan Konar has two legal heirs (one daughter and one son) namely Amirthan and Arumugam Konar (father of the Petitioner). Amirthan married one Palaniyandi and they have a son by name Rengasamy, who is the fourth respondent in this Writ Petition. Similarly, Arumuga Konar has two daughters namely Vallikannu and Pushpavalli (Petitioner herein) and one son by name Viswanathan. After the death of Govindan Konar, Amirthan and Arumuga Konar entered into an oral partition in

respect of the above properties and R.S.No.254/3, 339/10A and 341/8 were allotted to Arumuga Konar and R.S.No.339/1 was jointly allotted to Arumuga Konar and Amirthan. As on date, the above properties stand in their respective names. While so, by notification, dated 4.6.2016, the third respondent acquired the above mentioned properties to lay Thanjavoor-Manamadurai Four-way Track. On the date of acquisition, R.S.Nos.254/3, 339/10A and 341/8 stands in the name of the Petitioner's father. Hence the Petitioner is entitled to get compensation along with her brother and sister. Regarding R.S.No.339/1, the patta stands in the name of the Petitioner's father along with his sister namely Amirthan. So in the above survey number also the legal heirs of Arumuga Konar, the Petitioner and her brother and sister are entitled to have a half share in the compensation. As per the notification of the Highways Department and Paper Publication made by the third respondent in 'Daily Thanthi', dated 23.7.2017 which clearly shows that the Petitioner's father Arumuga Konar is the owner of the property in R.S.Nos.254/3, 339/10A and 341/8 and also R.S.No.339/1 jointly owned by the Petitioner's father and the fourth respondent's mother.

4. The third respondent even though two years has been lapsed after awarding of compensation, they are refusing to disburse the compensation with any reasonable cause. Hence fourth respondent filed a Writ Petition in W.P.No.3399 of 2018 to provide opportunity to him during the enquiry in respect of disbursement of compensation, wherein by order dated 20.2.2018, this Court has directed the third respondent to consider the objection raised by the fourth respondent. Without producing any prima facie material, the fourth respondent is now claiming title over the entire properties, even though patta stands in the name of the Petitioner's father. The fourth respondent claimed that due to the error crept in the UDR Proceedings, his mother's name was deleted from the patta and hence he has filed an appeal before the competent authority questioning the same. Even before the UDR Scheme, R.S.No.254/3 stands in the name of the fourth respondent's father and other



Resurvey numbers stands jointly in the name of fourth respondent's father and the Petitioner's father. So the Petitioner and his brother and sister are entitled to get compensation. Though the fourth respondent is claiming that error was crept in during the UDR proceedings, he has not preferred any appeal before the second respondent producing relevant documents. It is further submitted that with an intention to defeat the interest or to prolong the issue, with the influence of the fourth respondent, third respondent in a biased manner, has passed an order vide proceedings No.Na.Ka.No.4/2018(Ni.A)(Thi/Ni), dated 15.5.2018 directing the Petitioner to approach the second respondent to rectify the error crept during UDR Proceeding, which is now under challenge in this Writ Petition.

5.In view of the above facts and circumstances, the Petitioner is directed to produce the relevant documents before the authorities concerned and opportunity should be given to the Petitioner and other interest parties,if any, by the second respondent and thereafter, to pass appropriate orders on merits, based on the documents produced by the Petitioner, within a period of 12 weeks from the date of receipt of a copy of this order.

6.With the above directions, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/

Assistant Registrar(CS-III)

/True copy/

Sub Assistant Registrar(CS-II)

To

- 1.The District Collector,
Pudukkottai District.
- 2.The District Revenue Officer,
Pudukkottai District.
- 3.The Special Tahsildar,
Land Acquisition National Highway No.226,
Division No.2, Pudukkottai District.

+1cc to Mr.K.P.NARAYANAKUMAR, Advocate, SR.No.95710

+1cc to M/s.Special Government Pleader,SR.No. 95796

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and

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