



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2018

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

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W.P(MD)No.16947 of 2017

Ponmalaipandiyan

.. Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Special Tahsildar (Land Acquisition),
Harijan Welfare,
Usilampatti Taluk,
Madurai District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings issued by the 1st respondent published in the Madurai District Gazette Publication No.20, dated 17.07.2002 and quash the same.

For petitioner : Mr.K.P.S.Palanivel Rajan

For respondents : Mr.A.Thiyagarajan,
Government Advocate

ORDER

This writ petition has been filed by the petitioner challenging the Gazette Publication No.20, dated 17.07.2002 issued by the first respondent proposing to acquire the lands for Harijan Welfare Housing Scheme on the grounds that (i) Though the lands of the petitioner has been acquired by the respondents as per the said notification, till date the award amount has not been received by the petitioner and it is only deposited before the Treasury Office, Usilampatti; and (ii) till date the possession of the land is with the petitioner and revenue records stands in his name.

2. Refuting the said grounds, It is submitted by the learned Government Advocate appearing for the respondents that after receipt of notice, the petitioner himself participated in the enquiry and as he had refused to accept the payment of compensation, it was deposited into the Sub Treasury, Usilampatty vide chellan No.545 dated 16.02.2005. Thereafter, the petitioner himself approached the 2nd respondent for acceptance of compensation already determined in the proceedings and accordingly, the 2nd respondent issued a proceeding in Na.Ka.No.195/2001A, dated 19.05.2006 directing the Sub-Treasury, Usilampatty to release the payment of compensation to the petitioner which was kept under deposit and then, the



compensation amount has been received by the petitioner. It is also submitted by the learned Government Advocate that the lands acquired from the petitioner have already been plotted out and given assignment to 82 beneficiaries and that patta was also issued to them. Thus, he prayed to dismiss this writ petition.

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3. Heard the learned counsel appearing for both sides and perused the records carefully.

4. In order to ascertain whether the petitioner has received the compensation as stated by the 2nd respondent, this Court directed the petitioner to appear before this Court. Today, the petitioner appeared before this Court along with his counsel and he has stated that though he had put his signature for receipt of Rs.84,079/-, they gave him only Rs.15,000/-, which cannot be accepted. A perusal of the proceedings of the Assistant Treasury Officer, Usilampatti, in Na.Ka.No.545/Aa1/2018, dated 05.10.2018, would go to show that the award amount of Rs.84,079/- has been given to the petitioner through the cheque bearing No.910867, dated 22.05.2006. Even the receipt of Rs.15,000/- as compensation has not been disclosed by the petitioner in the affidavit filed in support of the petition. The petitioner has suppressed the said fact, which shows the attitude of the petitioner. It is clear that the petitioner has come up with this petition with unclean hands and the petitioner has wasted the valuable time of this Court. Though this Court is inclined to impose cost for filing this frivolous litigation, considering the age of the petitioner, no cost is imposed on the petitioner.

5. Accordingly, this writ petition is dismissed. No cost.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

1.The District Collector,
Madurai District, Madurai.

2.The Special Tahsildar (Land Acquisition),
Harijan Welfare, Usilampatti Taluk, Madurai District.

+1 cc to Special Government Pleader, SR.No.92244.

Gcg

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Order made in
W.P(MD)No.16947 of 2017
25.10.2018