



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. (MD)Nos.20727 and 23200 of 2017

and

W.M.P. (MD)Nos., 5094 of 2018, 16998, 19491, 19492 of 2017 and 4936 of 2018

R.Varathan ... Petitioner in W.P.(MD)No.20727 of 2017
1.Prema
2.Jagadhambal ... Petitioners in W.P.(MD)No.23200 of 2017

-Vs-

The District Revenue Officer,
Collectorate,
Tiruchirappalli. ... Respondents in W.P.(MD)No.20727 of 2017

1.The District Collector,
District Collector Office,
Trichy-1, Trichy District.

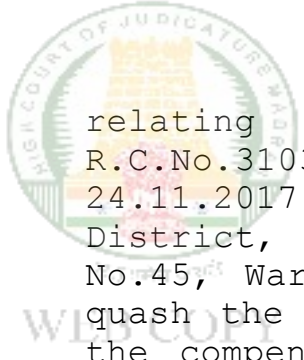
2.The District Revenue Officer,
D.R.O.Office,
Collector Office Campus,
Trichy-2, Trichy District.

3.The Special Tahsildar,
Urban Land Tax Scheme,
Srirangam, Taluk Office,
Srirangam, Trichy-6.
Trichy District.

... Respondents
in W.P.(MD)No.23200 of 2017

PRAYER in W.P.(MD)No.20727 of 2017:Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent not to interfere with peaceful possession and enjoyment of T.S.No.2300, 2316/1, 2318/1 and 2318/3 in Thimmaraya Samuthiram Village, Srirangam Taluk, Trichirapalli District otherwise than the due process of law.

PRAYER in W.P.(MD)No.23200 of 2017:Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records



relating to the second respondent proceedings made in R.C.No.31031/2012 on the file of the second respondent dated 24.11.2017 pertaining to the properties situated at Trichy District, Srirangam Taluk, Thimmarayasamuthiram Village, Block No.45, Ward "B", T.S.Nos.2058/1, 2059/1, 2063/2, (two numbers), quash the same, and further direct the second respondent to fix the compensation amount pertaining to the above said properties before taken possession.

For Petitioner : Mr.S.Jayavel
In W.P.(MD)No.20727 of 2017

For Petitioners : Mr.R.Sundar
In W.P.(MD)No.23200 of 2017

For Respondents : Mr.S.Chellapandian,
Additional Advocate General,
(In both Writ Petitions) assisted by Mrs.J.Padmavathi Devi,
Special Government Pleader.

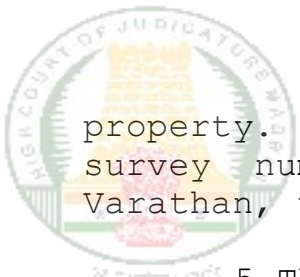
COMMON ORDER

The writ petition in W.P.(MD)No.20727 of 2017 has been filed, seeking a direction to the respondent not to interfere with peaceful possession and enjoyment of the property in T.S.Nos.2300, 2316/1, 2318/1 and 2318/3 in Thimmaraya Samuthiram Village, Srirangam Taluk, Trichirapalli District without following due process of law.

2.The writ petition in W.P.(MD)No.23200 of 2017 has been filed, challenging the notification issued under Section 15(2) of Tamil Nadu Highways Act, 2001 (hereinafter called as the Act) for acquiring lands for the purpose of construction of a bridge on Trichy-Chennai-Dindigul Road.

3.Since the issues involved in these writ petitions are one and the same, these writ petitions are taken up together and disposed of by passing a common order.

4.The main grievance of the petitioner in W.P.(MD)No.20727 of 2017 is that he is the owner of the property in respect of T.S.Nos.2300, 2316/1, 2318/1 and 2318/3 in Thimmaraya Samuthiram Village, Srirangam Taluk, Trichirapalli District. A notification was issued under Section 15(1) of the Act by the first respondent. So far as the property in T.S.No.2300 is concerned, one Sembugeswamy is the owner of the said property. But according to the petitioner, the said property is his ancestral property and by virtue of a Will, the petitioner and his father are in possession and enjoyment of the same. Without considering the same, it was mentioned that the land belongs to Sri Sembugeswamy Devasthanam



property. Apart from that in respect of the property in other survey numbers, even though the name of the petitioner is Varathan, the same was wrongly mentioned as Varatharajan.

5.The learned counsel appearing for the petitioner submitted that even though the petitioner raised his objections during the enquiry under Section 19(5) of the Act, without considering the objections, now, the notification has been issued under Section 15(1) of the Act.

6.So far as the writ petition in W.P.(MD)No.23200 of 2017 is concerned, the main grievance of the petitioner is that even though he has raised objection for acquisition of his land, he will be satisfied if the award is passed expeditiously and directing the authorities to pay the award amount to the petitioner. By virtue of the partition deed, the petitioner is the owner of the said property and in the notification, his father name, viz., O.Subramanian is mentioned. Hence, in future, any notice should be issued only in the name of the petitioner.

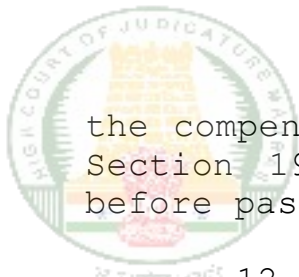
7.The respondents field a detailed counter affidavit stating that after issuance of the notification, under Section 15 (3) of the Act, an enquiry was conducted and the petitioners have appeared and they have not objected for the acquisition proceedings.

8.So far as the petitioner in W.P.(MD)No.20727 of 2018 is concerned, as per the revenue records, the above said land stands in the name of one Sembugeswamy Devasthanam. Hence, the notification was issued in the name of the temple. However, the petitioner's objection was considered by the authorities and held that if the petitioner is claiming any right over the said property, he can appear for the enquiry to be conducted under Section 19(5) of the Act and his objections will be considered.

9.So far as the petitioner in W.P.(MD)No.23200 of 2017 is concerned, the learned Additional Advocate General appearing for the respondents submitted that already, the enquiry is over. Now, a proposal was sent to the Commissioner, Land Administration. As soon as the award proposal is approved by the Commissioner, Land Administration, the same will be awarded, within a period of two months.

10.I have heard the learned counsel appearing on the either sides and perused the materials available on record carefully.

11.So far as the grievance of the petitioner in W.P.(MD) No.20727 of 2017 is concerned, he claims to be owner of the property in T.S.No.2300. He is not objecting to the land acquisition proceedings. However, his objection is only in respect of the award of compensation. Now, the petitioner appeared before the authority and raised his objections regarding



the compensation. Hence, at the time of conducting enquiry under Section 19(5) of the Act, his objections should be considered before passing of the award.

12. So far as the petitioner in W.P.(MD)No.23200 of 2017 is concerned, the only grievance of the petitioner is that he is apprehending that there will be delay in passing the award. Now, it is submitted by the learned Additional Advocate General that already the award enquiry was conducted and the same was placed before the Commissioner, Land Administration and as soon as the award proposal is approved by the Commissioner, Land Administration, the same should be passed within a period of two months.

13. Accordingly, these writ petitions are disposed of. However, the second respondent / District Revenue Officer, Trichy is directed to pass the award, within a period of two months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
District Collector Office,
Trichy-1, Trichy District.
2. The District Revenue Officer,
D.R.O. Office,
Collector Office Campus,
Trichy-2, Trichy District.
3. The Special Tahsildar,
Urban Land Tax Scheme,
Srirangam, Taluk Office,
Srirangam, Trichy-6.
Trichy District.

+ 1 cc TO Mr.S.Jayavel , Advocate in SR No. 54826
+ 1 cc TO Mr.R.Sundar , Advocate in SR No. 54159
+ 1 cc TO The Special Government Pleader in SR No. 54606

Myr

AE/JC/SAR4/11.04.2018/4P/7C