



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2018

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) No.22157 of 2017

1.N.K.Jothi
2.N.V.Murali

... Petitioners

Vs.

The District Revenue Officer,
Land Acquisition,
District Collector Office,
Thanjavur, Thanjavur District.

... Respondent

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the respondent to change the classification of the Property mentioned in the Land Acquisition notice issued by the respondent dated 10.08.2017 and served on 29.08.2017 on the petitioners mentioning Survey No.36/3B3 (36/3B after subdivision) as Ryotwari Nanjai (ரஃதவரி னாஜை) as House Site Classification in Respect of 36B3 of 45 Karuppur Revenue Village, Sakcottai Panchayat, Srirangarajapuram Small Village, NachiyarKovil Sub Registry, Kumbakonam District Registry, Thanjavur District as House Sites approved under Layout 106/1998 under file No.48077 of 1997 of the Director of Town Planning, Chennai.

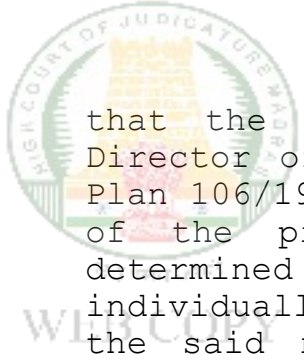
For Petitioners : Mr.M.V.Santharaman
For Respondent : Mr.D.Muruganandam,
Additional Government Pleader

ORDER

This writ petition has been filed by the petitioners seeking a Writ of Mandamus, directing the respondent to change the classification of the petitioners' property in the Land Acquisition notice as House site, instead of Ryotwari Nanjai.

2. Heard the learned Counsel appearing on either side and perused the documents placed on record.

3. According to the petitioners, the first petitioner is the paternal uncle of the second petitioner and the subject mentioned property, ie., the property situated in R.S.No.36/3B (subdivided as 36/3B2 & 36/3B3), belongs to them. On 29.08.2017, the petitioners received a notice from the respondent, dated 10.08.2017, with regard to acquisition of the subject mentioned property. It is their grievance that in the said notice, the subject mentioned property has been described as Ryotwari Nanjai, however, it is their case



that the same has been classified as House Site Plots by the Director of Town Planning, in the year 1998 itself, vide Approved Plan 106/1998, in file No.48077/97 LA1. Since this wrong description of the property would affect the compensation amount to be determined for the proposed acquisition, the petitioners, individually, have submitted a representation, by way of reply to the said notice dated 10.08.2017, on 14.09.2017 and 11.09.2017, respectively. However, no orders have been passed on the said representations till date and hence, they are before this Court.

4. When the matter came up for hearing today, the learned Counsel for the petitioners submitted that it would suffice, if a direction is issued to the respondent to consider the representations of the petitioners, on merits and dispose of the same, within a stipulated time limit, for which, there is no serious objection raised by the learned Additional Government Pleader.

5. Considering the facts and circumstances of the case and also taking into account the limited scope of the relief sought for by the petitioners, this Court, without expressing any opinion on the merits of the matter, directs the respondent to consider the representations of the petitioners, dated 14.09.2017 and 11.09.2017 and pass appropriate orders thereon, on merits and in accordance with law, after affording an opportunity of hearing to the parties concerned, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above directions, this writ petition is disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar(CS-II)

To

The District Revenue Officer,
Land Acquisition,
District Collector Office,
Thanjavur, Thanjavur District.

+1cc to M/S.T.R.Subramanian, Advocate SR.No. 78837

W.P. (MD) No.22157 of 2017

gk

JM/SKN RSK/SAR 2/03.09.2018/2P/3C

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