



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Tuesday, the Ninth day of October
Two Thousand Eighteen

PRESENT

WEB COPY

THE HON`BLE MRS.JUSTICE J.NISHA BANU

WMP(MD) No.18870 of 2018
IN
WP(MD) No.21080 of 2018

LAKSHMANAN

... PETITIONER/PETITIONER

Vs

1 THE SPECIAL THASILDAR (LAND ACQ),
NATIONAL HIGHWAYS 49, UNIT-II,
MANAMADURAI

2 PROJECT DIRECTOR,
NATIONAL HIGHWAYS AUTHORITY OF INDIA,
SUBRAMANIPURAM 3RD STREET, KARAIKUDI,
SIVAGANGAI DISTRICT

... RESPONDENTS/RESPONDENTS

Prayer in WMP(MD).18870/2018:

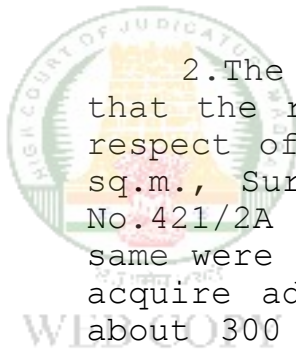
Writ Petition is filed under Article 226 of the Constitution of India, to appoint Advocate Commissioner and directing him with Head Surveyor, Manamadurai to re-measure and demarcate the sub-divided properties which is belongs to the petitioner in survey Nos. 422/1A1, 422/1A2, 421/2A, Manamadurai Town, Sivagangai District and report before this Hon'ble Court.

Prayer in WP(MD). 21080/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus forbearing the respondents or their agents from acquiring the land in un-notified properties in survey Nos. 422/1A1, 422/1A2, 421/2A, Manamadurai Town, Sivagangai District.

ORDER : This petition coming on for hearing on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.RM.ARUN SWAMINATHAN, Advocate for the petitioner herein, MR.ARUL VADIVEL @ SEKAR, for the Respondents, this court made the following order:

This petition has been filed by the petitioner seeking to appoint an Advocate Commissioner and to direct him to remeasure and demarcate the sub-divided properties, which belongs to the petitioner in Survey Nos.422/1A1, 422/1A2 and 421/2A, Manamadurai Town, Sivagangai District, along with Head Surveyor, Manamadurai.



2.The learned counsel appearing for the petitioner submitted that the respondents issued notification for acquisition only in respect of the lands in Survey Nos.422/1A1, to an extent of 260 sq.m., Survey No.422/1A2, to an extent of 212 sq.m. and Survey No.421/2A to an extent of 340 sq. m., totally 812 sq. m. and the same were already acquired. But, now the respondents are trying to acquire additional 10 sq. ft. from the existing boundary ie., about 300 sq. m., without issuing any notice and following the procedures contemplated under the acquisition laws.

3. The learned counsel appearing for the respondents vehemently disputed the above submission of the learned counsel for the petitioner. He would further submit that the respondents have no objection in appointing an Advocate Commissioner, however, the Head Surveyor may be appointed from some other District for the assistance of the Advocate Commissioner.

4. In view of the above, Mrs.J.Anandavalli and Mr.Veilkani Raju, Advocates, Law Chamber Nos.85 and 21 respectively, Madurai Bench of Madras High Court, Madurai, are appointed as Advocate Commissioners to remeasure the lands acquired by the respondents from the petitioner in Survey Nos.422/1A1, 422/1A2 and 421/2A along with Head Surveyor of the Virudhunagar District and find out whether the respondents acquired lands excessively as alleged by the the petitioner or not. The Advocate Commissioners are directed to give notice to both the parties before measuring the lands and to intimate the date of measurement to the Tahsildar, Virudhunagar District, who shall make arrangement for the accompany of the Head Surveyor, Virudhunagar District on the date specified, along with the Advocate Commissioners. The Advocate Commissioners are further directed to submit their detailed report along with sketch and plan on 26.10.2018. The Advocate Commissioners' fee is fixed as Rs.1,00,000/- (Rupees one lakh only). The petitioner is directed to pay the same to the Advocate Commissioners in the ratio of 60 : 40 respectively.

5. This petition is accordingly ordered. Post the main writ petition on 26.10.2018.

Sd/-

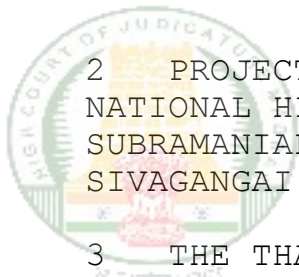
Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS-I)

TO

1 THE SPECIAL THASILDAR
(LAND ACO), NATIONAL HIGHWAYS 49, UNIT-II,
MANAMADURAI



2 PROJECT DIRECTOR
NATIONAL HIGHWAYS AUTHORITY OF INDIA,
SUBRAMANIPURAM 3RD STREET, KARAIKUDI,
SIVAGANGAI DIST

3 THE THASILDAR,
VIRUDHUNAGAR DISTRICT.

4 THE HEAD SURVEYOR
VIRUDHUNAGAR DISTRICT.

COPY TO

1 MRS.J.ANANDAVALLI,
ADVOCATE, 85 LAW CHAMBER, MADURAI HIGH COURT,
MADURAI 625 023.

2 MR.VEILKANI RAJU,
ADVOCATE, 21 LAW CHAMBER, MADURAI HIGH COURT,
MADURAI 625 023.

ORDER DATED :09/10/2018

ORDER

WMP(MD) NO.18870 OF 2018
IN
WP(MD) No.21080 of 2018

TR/SKN/SAR-I(10.10.2018)3P 7C