



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2018

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

W.P (MD) No.21260 of 2018

WEB COPY

V.Selvaraj

.. Petitioner

Vs.

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The District Revenue Officer,
Acquiring Authority,
Thanjavur.

3.The Tahsildar,
Thanjavur Taluk Office,
Thanjavur.

4.The Divisional Engineer,
Highways,
NABARD & Rural Roads,
Thanjavur - 613 001.

5.Jayakumar

6.Loganathan

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent dated 19.07.2018 made in Tha.Pa.51/2018/A5 and the order of the 1st respondent dated 30.07.18 made in Na.Ka.I.1/79400/2010 and quash the same and direct the respondents 1 to 3 to pay the compensation to the petitioner in respect of his land acquired in T.S.No.2038/2, Nagai - Trichy Rd., Thanjavur, for the purpose of constructing a Road Over Bridge at K.M.354/4-5 Thanjavur under Section 15 of the Tamil Nadu Highways Act, 2001.

For Petitioner

: Mr.G.Jeremiah

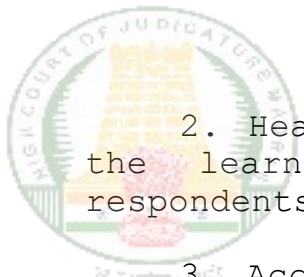
For Respondents

: Mr.A.Thiyagarajan,

Government Advocate for R.1 to R.4

ORDER

This writ petition has been filed seeking a Writ of Certiorarified Mandamus to quash the impugned proceedings of the second and first respondents dated 19.07.2018 and 30.07.2018, respectively and to direct the respondents 1 to 3 to pay compensation for the acquisition of his lands.



2. Heard the learned Counsel appearing for the petitioner and the learned Government Advocate appearing for the official respondents. Notice to the private respondents is dispensed with.

3. According to the petitioner, the property in T.S.No.2038/2, Nagai - Trichy Road, Thanjavur, belongs to him and the same was acquired by the official respondents for the purpose of constructing a Road Over Bridge at K.M.354/4-5 Thanjavur, under Section 15 of the Tamil Nadu Highways Act, 2001. However, compensation amount was not disbursed. It appears that there is a dispute with regard to the title of the property between the petitioner and the private respondents herein and therefore, the official respondents have referred the matter to the Principal Sub Court, Thanjavur, where it was numbered as LAOP No.4 of 2014. Aggrieved over the same, the petitioner is before this Court.

4. When the matter came up for hearing today, learned Counsel for the petitioner confined his prayer and submitted that it would suffice, if the pending LAOP is directed to be disposed of, within a stipulated time frame.

5. In view of the limited scope of the relief that was now sought for by the petitioner and also considering the fact that the acquisition took place long back and that the LAOP is pending for about four years, this Court, in order to meet the ends of justice, while declining to interfere with the orders impugned, is inclined to issue the following direction:

"that the Principal Subordinate Judge, Thanjavur, is directed to dispose of LAOP No.4 of 2014, on merits and in accordance with law, after hearing the petitioner, the private respondents herein and all the other necessary parties, if any, within a period of one year from the date of receipt of a copy of this order."

6. With the above direction, this writ petition stands disposed of. No costs.

Sd/

Assistant Registrar(CS-I)

/True copy/

Sub Assistant Registrar(CS-I)

To

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The District Revenue Officer,
Acquiring Authority,
Thanjavur.



3.The Tahsildar,
Thanjavur Taluk Office,
Thanjavur.

4.The Divisional Engineer,
Highways,
NABARD & Rural Roads,
Thanjavur - 613 001.

Copy to:

The Principal Subordinate Judge, Thanjavur

+1cc to Mr.J.JOHN, Advocate, SR.No. 92403

Order made in
W.P (MD) No.21260 of 2018
25.10.2018

GK

KK/RP/SAR-1/28.11.2018/3P-7C