



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.12.2019

CORAM

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.758 of 2018

T.Jayakumar

... Petitioner

Vs

1.The District Collector,
Office of the Collectorate,
Coimbatore District.

2.The Tahsildar,
Sulur Taluk,
Coimbatore District.

3.The Block Development Officer,
Sultanpettai,
Sulur Taluk,
Coimbatore District.

4.The Village Administrative Officer,
Selakarisal Village,
Sulur Taluk,
Coimbatore District.

5.The Executive Officer,
Arulmigu Venugopala Daivanayaki Perumal Temple,
Selakarisal Village,
Sulur Taluk,
Coimbatore District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus or any other appropriate Writ or Order or Direction in the nature of Writ of Mandamus, directing the 1st respondent to dispose off the petitioner's representation dated 26.08.2017 pertaining to the payment of compensation in respect of the land measuring 2925 square feet comprised in survey No.700/1, 700/2 and 700/3, Selakarisal Village, Sulur Taluk, Coimbatore District acquired by the 1st respondent for the purpose of construction of an Anganwadi Building in the said lands.



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For Petitioner : Mr.T.S.Vijayaraghavan

For Respondent : Ms. P.Rajalakshmi for RR1 to 4
: Mr.M.Maharaj,
Special Government Pleader
for R5.(HR & CE)

O R D E R

- 1.This writ petition has been filed by the petitioner, praying for issuance of a Writ Mandamus, to direct the 1st respondent to dispose off petitioner's representation dated 26.08.2017 pertaining to the payment of compensation in respect of the land measuring 2925 square feet comprised in survey No.700/1, 700/2 and 700/3, Selakarisal Village, Sulur Taluk, Coimbatore District acquired by the 1st respondent for the purpose of construction of an Anganwadi Building in the said lands.
- 2.Mr.T.S.Vijayaraghavan takes notice for Respondents 1 to 4 and Mr. Maharaja, Special Government Pleader takes notice for R5.
- 3.The subject land said to be belonging to Arulmigu Venugopala Daivanayaki Perumal Temple at Selakarisal Village, Sulur Taluk, Coimbatore District, measuring about 2925 sq.feet in Survey Nos.700/1, 700/2 and 700/3 , had been taken over by the first respondent namely the District Collector, Coimbatore District for the purpose of constructing an Anganwadi building. Seeking compensation for the land acquired, a representation was given by the writ petitioner herein who is stated to be the hereditary trustee of the said temple. This representation was dated 26.08.2017. Since no orders have been passed on the representation, the present writ petition has been filed in the nature of Mandamus.
- 4.During the discussion in the Court today, the learned counsel for the petitioner, on instructions stated that the trustee would like to get back the land in lieu of the compensation being paid. This Court may not direct to the respondent to handover the land since that can raise separate legal proceedings. At any rate since the representation is pending before the respondent, it would only be advisable to the respondent to issue notice to the petitioner herein and also to the Temple Trustee to get a clarity as to what they exactly want namely, whether compensation for the land or the land itself and accordingly pass orders on the representation dated 26.08.2017. If the Trustee insisted for getting back the land then naturally they have to initiate judicial proceedings in the manner in which they are advised. The respondents may



dispose of the representation in the manner aforesaid on or before 28.02.2020.

5. In view of the above direction, the Writ Petition is disposed of. No costs.

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Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

jrs

To

1. The District Collector,
Office of the Collectorate,
Coimbatore District.
2. The Tahsildar,
Sulur Taluk, Coimbatore District.
3. The Block Development Officer,
Sultanpettai, Sulur Taluk,
Coimbatore District.
4. The Village Administrative Officer,
Selakarisal Village, Sulur Taluk,
Coimbatore District.
5. The Executive Officer,
Arulmigu Venugopala Daivanayaki Perumal Temple,
Selakarisal Village, Sulur Taluk,
Coimbatore District.

+1cc to the Speceial Government Pleader(HR & CE), S.R.No.104614

W.P.No.758 of 2018

BS(CO)
GN(23/01/2020)