



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2019

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.13952 of 2019

M.Senthilkumar

... Petitioner

-Vs-

1. The District Collector,
Madurai District,
Madurai - 625 020.

2. The Special Tahsildar (LA)
Airport Extension Office Unit II,
Madurai - 625 020.

... Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondents to pay suitable compensation for petitioner's land in Survey No.462/3B2 an extent of 1143-3/4 sq. ft. of Ayanpapakudi Village, Thirupparankundram Taluk, Madurai District, with solatium and interest and other lawful amount by considering petitioner's representation dated 08.05.2019, within the period stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen
For Respondents : Mr.M.Rajarajan, G.A.

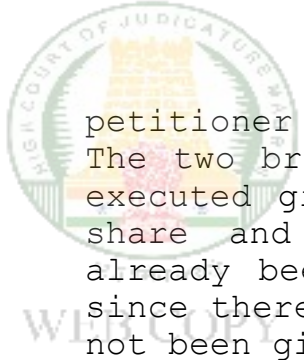
ORDER

The prayer in this writ petition is for a Writ of Mandamus, directing the respondents to pay suitable compensation for petitioner's land in Survey No.462/3B2 an extent of 1143-3/4 sq. ft. of Ayanpapakudi Village, Thirupparankundram Taluk, Madurai District, with solatium and interest and other lawful amount by considering petitioner's representation dated 08.05.2019, within the period stipulated by this Court.

2.Heard Mr.A.Haja Mohideen, the learned counsel appearing for the petitioner and Mr.M.Rajarajan, learned Government Advocate appearing for the respondents.

3.Thouth the petitioner's land in S.No.462/3B2 at Ayanpapakudi Village, Thirupparankundram Taluk, Madurai District has been acquired by the respondents for public purpose, compensation is yet to be given and therefore, the petitioner is before this Court.

4.I have heard the learned Government Advocate appearing for the respondents, who, on instructions, would submit that, the property originally belongs to the father of the petitioner, who died and therefore, it was inherited by three sons including the



petitioner as well as the mother of the petitioner and another two. The two brother's shares are concerned, they already seems to have executed gift deed in favour of the mother. As far as the mother share and two brothers shares are concerned, compensation has already been given and only in respect of the petitioner's share, since there is some dispute among the brothers, the compensation has not been given.

5. However, the learned counsel appearing for the petitioner would submit that, insofar as the share of the petitioner is concerned, it is not in dispute and therefore, the compensation payable to the petitioner's share to the petitioner has to be given and in this regard, he has given a representation on 08.05.2019 to the respondents and if the said representation is considered, the petitioner would be satisfied.

6. I have heard the said submissions made by both sides and taking into account the aforesaid submissions and the factual matrix, with the consent of both sides, this writ petition is disposed of, at the admission stage itself, with the following direction:

The respondents, especially, the 2nd respondent shall consider the representation of the petitioner dated 08.05.2019 and pass orders thereon, on merits and in accordance with law and in this regard, if at all the brothers and mother of the petitioner have to be heard, they shall also be given notice and hear all the parties and if the petitioner is entitled to get any compensation for his share as claimed by him, the same shall be determined and accordingly, amount shall be disbursed to the petitioner. The needful as indicated above shall be undertaken by the 2nd respondent, within a period of eight weeks from the date of receipt of a copy of this order.

7. With this direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The District Collector,
Madurai District,
Madurai - 625 020.



2.The Special Tahsildar (LA)
Airport Extension Office Unit II,
Madurai - 625 020.

+1 CC to Mr.A.HAJA MOHIDEEN, Advocate (SR-70577[F] dated
21/06/2019)

+1 CC to SPL GP (SR-70987[F] dated 24/06/2019)

Order made in

W.P. (MD) No.13952 of 2019

Dated:**21.06.2019**

ARUL

MK (02.07.2019) 3P 5C