



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 08.03.2019

CORAM:
THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD) No. 2223 of 2019

WEB COPY

1. Vasantha
2. Sivakumar
3. Sundar
4. Balakumar
5. Usha
6. Sujatha
7. Sarmila

... Petitioners

Vs.

1. The Secretary to Government,
Tamilnadu National Highways Department,
St. George Fort, Chennai - 600 009.

2. The District Collector,
Tirunelveli District,
Tirunelveli.

3. The District Revenue Officer,
Tirunelveli District, Tirunelveli.

4. The Sub-Collector,
Cheranmahadevi, Tirunelveli District.

5. The Revenue Divisional Engineer (HW),
Construction and Maintenance,
Tirunelveli.

6. The Special Tahsildar (Land Acquisition),
East Coast Road Development Scheme,
Radhapuram Taluk,
Office present at Valliyur,
Tirunelveli District.

7. The Tahsildar,
Radhapuram Taluk,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to pay compensation for our lands comprised in Survey No. 127/10S2 measuring an extent of 0.20.75 Hectares and in Survey No. 127/15B measuring an extent of 0.01.00 Hectares land situated in Navalady Karaisuthupudur Village Radhapuram Taluk Tirunelveli District which were acquired by the proceedings of the 3rd respondent dated 13.02.2018 within a stipulated time fixed by this Court.



For Petitioner : Mr.S.Sankar
for Mr.B.Vijay Karthikeyan
For Respondents : Mr.M.Rajarajan
Government Advocate

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ORDER

The instant Writ Petition has been filed for a Writ of Mandamus to direct the respondents to pay compensation for the lands belonging to him comprised in Survey No. 127/10S2 measuring an extent of 0.20.75 Hectares and in Survey No. 127/15B measuring an extent of 0.01.00 Hectares situated in Navalady, Karasuthupudur Village, Radhapuram Taluk, Tirunelveli District, which were acquired by the third respondent by proceedings, dated 13.02.2018.

2.It is the case of the petitioner that the aforesaid lands were owned by him, which were acquired by the third respondent by the aforesaid proceedings dated 13.02.2018. According to the petitioner, the third respondent has acquired the aforesaid lands and have also laid a road over the said lands for public purpose.

3.It is the case of the petitioner that he gave a representation on 14.09.2018 to all the respondents requesting them to pay the compensation for the acquired lands, but, till date according to the petitioner, no compensation has been paid to the petitioner. In such circumstances, the instant Writ Petition has been filed.

4.Heard Mr.S.Sankar, learned counsel appearing for the petitioner and Mr.M.Rajarajan, learned Government Advocate appearing for the respondents.

5.It is the case of the petitioner that his lands were acquired by the third respondent. It is also his case that till date no compensation has been paid to the petitioner, even though by proceedings dated 13.02.2018 of the third respondent the lands belonging to the petitioner were acquired. It is also his case that the respondents have laid a road over the petitioner's lands for a public purpose.

6.Even though the petitioner had given a representation, dated 14.09.2018 to all the respondents requesting them to pay compensation for the lands acquired by them which belongs to the petitioner, it is the case of the petitioner that till date no compensation amount has been paid to the petitioner. Even though in the Writ Petition, the petitioner has sought for a positive direction to direct the respondents to pay the compensation for the acquired lands, such a positive direction cannot be granted by this Court and it is for the respondents to pass final orders as per the provisions of the Tamil Nadu Highways Act, 2001.

7. Therefore, the relief sought for by the petitioner is moulded by this Court and this Court directs the respondents 3, 5 and 6 to consider the representation, dated 14.09.2018 submitted by the petitioner seeking compensation for the acquired lands in Survey No. 127/10S2 measuring an extent of 0.20.75 Hectares and in Survey No. 127/15B measuring an extent of 0.01.00 Hectares situated in Navalady, Karasuthupudur Village, Radhapuram Taluk Tirunelveli District, in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

8. With the aforesaid direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD-I)

/ True Copy /

Sub Assistant Registrar

To

1. The Secretary to Government,
Tamilnadu National Highways Department,
St. George Fort, Chennai - 600 009.
 2. The District Collector,
Tirunelveli District, Tirunelveli.
 3. The District Revenue Officer,
Tirunelveli District, Tirunelveli.
 4. The Sub-Collector,
Cheranmahadevi, Tirunelveli District.
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Construction and Maintenance, Tirunelveli.
 6. The Special Tahsildar (Land Acquisition),
East Coast Road Development Scheme,
Radhapuram Taluk, Office present at Valliyur,
Tirunelveli District.
 7. The Tahsildar,
Radhapuram Taluk, Tirunelveli District.
- +1 CC to M/s.B.VIJAY KARTHIKEYAN, Advocate
(SR-52738[F] dated 08/03/2019)
+1 CC to M/s.SPL GP (SR-53066[F] dated 11/03/2019)

W.P. (MD) No.2223 of 2019
08.03.2019