

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 26.02.2019

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE**W.P.(MD).No.3003 of 2019**

Sugi Jeba Priya

... Petitioner

-vs-

1. The State of Tamil Nadu,
Rep., by its Secretary to Government,
Municipal Administration and
Water Supply Department,
Fort St.George, Chennai.
2. The District Collector,
Tirunelveli District,
Tirunelveli.
3. The Tirunelveli City Municipal Corporation,
Through its Commissioner,
Tirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to pay the compensation for the land in which the road was laid in Plot No.24-A in Bhuvaneswari colony, Ashok Nagar Extension situated in old S.No.71/1D, T.S.No.58 situated in Kokattikulam village, Palayamkottai Taluk, Melapalayam Ward, Tirunelveli Corporation.

For Petitioner: Mr.H.Arumugam

For RR 1 & 2 : Mr.M.Rajarajan,

Government Advocate

For R3 : Mr.Aayiram K.Selvakumar

ORDER

The instant writ petition has been filed for a Mandamus to direct the respondents to pay compensation for the lands belonging to the petitioner in which the road was laid by the third respondent in Plot No.24-A in Bhuvaneswari colony, Ashok Nagar Extension situated in old S.No.71/1D, T.S.No.58 situated in Kokattikulam village, Palayamkottai Taluk, Melapalayam Ward, Tirunelveli Corporation.

2. It is the case of the petitioner that the aforesaid lands belonged to him and was used as a Boosthathi road and does not vest with the Government. It is the case of the petitioner that the third respondent laid a thar road in the Boosthathi road belonging to the petitioner. But they did not pay any compensation for laying the thar road on the Boosthathi road. It is the case of the petitioner that the thar road was laid by the third respondent in almost 3.75



cents over his property and his constitutional right Section 300 A has to be protected. It is the case of the petitioner that the guide line value of the land per cent in that area is Rs.1,70,000/- and the market value is Rs.3,50,000/- per cent.

3. It is the case of the petitioner that he sent a representation dated 21.12.2018 to the respondents seeking compensation for unlawfully acquiring the Boosthathi road for laying a public thar road over the said land belonging to the petitioner. According to the petitioner, despite receipt of the said representation, till date there is no response from the respondents. In such circumstances, the instant writ petition has been filed.

4. Heard Mr.H.Arumugam, learned counsel appearing for the petitioner and Mr.M.Rajarajan, accepts notice on behalf of the 1 and 2 respondents and Mr.Aayiram K.Selvakumar, learned standing counsel accepts notice on behalf of the third respondent.

5. The learned counsel for the petitioner drew the attention of this Court to the judgment made by a learned Single Judge of this Court made in the case of **the Commissioner, Bhavani Municipality, Bhavani vs., C. Ramasamy** reported in 2015 (4) CTC 25 and submitted that as held by the learned single Judge of this Court, 'Boosthathi' refers to patta land belonging to private individual. Since in the instant case, the Boosthathi road belonging to the petitioner was acquired by the respondents without payment of any compensation and being patta lands, the petitioner is entitled to claim compensation from the respondents. The petitioner has also given a representation dated 21.12.2018 to the respondents seeking compensation for the acquisition of the Boosthathi road. Till date, as seen from the records and as seen from the averments contained in the affidavit filed in support of the writ petitioner, no response was sent by the respondents to the said representation.

6. Considering the facts and circumstances of the case, this Court directs the respondents to dispose of the representation dated 21.12.2018 submitted by the petitioner seeking compensation for the acquisition of the Boosthathi road belonging to him on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. With the aforesaid direction, **this writ petition is disposed of.** However, there shall be no order as to costs.

Sd/-

Assistant Registrar (cs-II)

// True Copy //

Sub Assistant Registrar(CS)



To

1. The Secretary to Government,
Municipal Administration and
Water Supply Department,
Fort St.George, Chennai.

2. The District Collector,
Tirunelveli District,
Tirunelveli.

3. The Tirunelveli City Municipal Corporation,
Through its Commissioner,
Tirunelveli.

+1cc to Mr.Aayiram K.Selvakumar, Advocate, SR.No.50018

+1cc to Special Government Pleader, SR.No.50112

+1cc to Mr.H.Arumugam, Advocate, SR.No.50244

Order made in
W.P. (MD) .No.3003 of 2019
26.02.2019

SP/25.04.2019/3P/7C