



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.06.2019

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.612 of 2019

A.Kaliappan
President,
Vengadasumthiram Village Welfare society,
Thirumangalam Taluk,
Madurai District.

...Petitioner

-Vs-

- 1.The District Collector,
Office of the District Collector,
Madurai.
- 2.The District Revenue Officer,
Office of the District Revenue Officer,
Madurai.
- 3.The Thasildhar,
Office of the Thasildhar,
Thirumangalam Taluk,
Madurai District.

...Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondents herein not to acquire the properties comprising in Survey No. 20/3 and 22/3 situated Vengadasumthiram, Thirumangalam without following the due process of law on the basis of the petitioner's representation, dated 20.07.2018.

For Petitioner : Mr.M.Suresh
For Respondents : Mr.M.Rajarajan, G.A.

ORDER

The prayer in this writ petition is for a Writ of Mandamus, directing the respondents herein not to acquire the properties comprising in Survey No. 20/3 and 22/3 situated Vengadasumthiram, Thirumangalam without following the due process of law on the basis of the petitioner's representation, dated 20.07.2018.

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



3. In respect of the land in Town Survey No.20/3 with an extent of 1 Acre 91 cents and in Town Survey No.22/3 with an extent of 1 Acre 41 cents situated at Vengadasamuthiram village is claimed to be the land of the society i.e. the petitioner's society viz., Vengadasamuthiram Kanmai Neer Pasana Vivasaikal Society.

WEB COPY

4. According to the petitioner, for several years, the said lands had been in possession and occupation of the village people for common usage and patta also jointly issued in the name of village people and from out of the revenue they earned from the common lands, the petitioner's society has managed to do the maintenance works of the canal and sewage. While so, the respondents sought to acquire the lands for the purpose of construction of a bus stand for Thirumangalam Municipality. In this regard, on 07.05.2018, the 3rd respondent issued summons to the public i.e. the members of the Society to register their objections/views with regard to the proposed acquisition of the lands for the construction of bus stand.

5. Accordingly, the petitioner's Society members raised objection and gave a representation on 20.07.2018 to the 3rd respondent, wherein, they have claimed that if at all for the public purpose of construction of bus stand, they want to acquire the lands belongs to the village people, proper compensation has to be given to the Society for the welfare of the people. Though such a request has been made and the objection has been raised on behalf of the petitioner's Society and its members, so far, no order has been passed by the respondent. Therefore, the petitioner is before this Court.

6. I have heard the learned Government Advocate appearing for the petitioner, who would submit that, the said request/objection dated 20.07.2018 filed on behalf of the petitioner's Society would be considered by the respondents and accordingly, suitable decision would be taken.

7. In view of the said factual position, this writ petition is disposed of with the following direction:

"that the respondents are hereby directed to consider the objections as well as the request made by the petitioner's Society on 20.07.2018 with regard to the proposed acquisition of the lands belongs to the petitioner's Society for the purpose of construction of bus stand for Thirumangalam Municipality and accordingly, take a decision as to whether the petitioner's Society or its members can be entitled to get compensation and if so, proper compensation can be given and accordingly, the acquisition proceedings can be completed. The aforesaid exercise shall be undertaken by the respondents, within a period of two months from the date of receipt of a copy of this order. In this regard, if the respondents want to hear the petitioner's society members further, they may be summoned and after hearing them, final order can be passed."



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

WEB COPY

// True Copy //

Sd/-

Assistant Registrar (Crl.Side)

Sub Assistant Registrar(CS)

To

1. The District Collector,
Office of the District Collector,
Madurai.
 2. The District Revenue Officer,
Office of the District Revenue Officer,
Madurai.
 3. The Thasildhar,
Office of the Thasildhar,
Thirumangalam Taluk,
Madurai District.
- +1 CC to SPL GP SR-67105.
+1 CC to Mr.M.SURESH, Advocate SR-67343.

Order made in
W.P. (MD) No. 612 of 2019
Dated:
04.06.2019

CS: (14/06/2019) 3P 6C