

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2020

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No.13071 of 2020

V.Selvaraj,
S/o. C. Veerappa Gounder,
2 / 7, Pannickampatti Kurumbapalayam (Post),
Pollachi TK 642 002.

.. Petitioner

Vs

- 1 The Special District Revenue,
Officer Land Acquisition National High way,
No. 209 No. 567 Ap.J.Abdul Kalam Nagar Opp,
to the District Collector Office,
Dindigul 624 001.
- 2 The Commissioner,
The Hindu Religious and Charitable Endowment
Department, 119, Uthuthamar Gandhi Raod,
Nungambakkam High Road, Nungambakkam,
Chennai 34.
- 3 The Joint Commissioner,
Arulimigu Dandayudapani Swamy Thirukoil,
Palani 624 601.
- 4 The Special Thasildhar (Land Acquisition),
N.H. 209, Unjavelampatti,
Pollachi, Coimbatore Dt.
- 5 The Village Officer,
Kurumbapalayam Village, Kullakkapalayam,
Pollachi, Coimbatore Dt.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying Writ of Mandamus to direct the 2nd respondent to consider the petitioners Claim Application dated 17.08.2020 and pay adequate compensation to the movable properties such as, tiled roof houses, water tanks and coconut trees.

For Petitioner : Mr.S.Nagarajan

For Respondents : Mr.D.Raja, (for R1, R4 & R5)
Additional Government Pleader

Mr.M.Karthikeyan, (for R2)
Special Government Pleader (HR&CE)

Mr.R.Bharanidharan, (for R3)

ORDER

Mr.D.Raja, learned Additional Government Pleader accepts notice for R1, R4 and R5, Mr.M.Karthikeyan, learned Special Government Pleader accepts notice for R2 and Mr.R.Bharanidharan, learned counsel accepts notice for R3. All learned counsels for the respondents are armed with instructions in the matter, and since the point involved is short, this matter, by consent expressed by all learned counsels, is disposed finally, even at the stage of admission.

2. The petitioner claims to be a farmer occupying the land at patta No.19, Survey Nos.296/3, 296/7, 296/19 and 196/13 admeasuring 5.79 acres at Kurumbapalayam Village, Pollachi Taluk (land in question). According to him, his father was cultivating the land in question and was remitting the lease rent to the owner, one Angammal, till her demise. The said Angammal gifted the land in question to the Arulmigu Thandayuthapani Swamy Temple at Palani (Temple) under a registered gift deed and thus after her demise, the petitioner states that the lease rent is being paid directly to the temple authorities.

3. A portion of the land in question is being acquired by R1, R4 and R5 for the purposes of setting up a highway and the petitioner seeks compensation for the aforesaid acquisition of land. He has, admittedly, filed two representations in this regard, dated 22.02.2020 and 17.08.2020 both of which form part of the temple records as confirmed by Mr.Bharanidharan.

4. Thus, to balance the interest of all parties, R2 is directed to dispose the aforesaid two representations after hearing the petitioner as well as R1, who is the Special District Revenue Officer (Land Acquisition), on Tuesday, the 6th of October, 2020 at 10.30 a.m. or on a date proximate to the aforesaid date, as may be convenient to all the parties, to be intimated by issuance of notice afresh and dispose the representations in accordance with law, within a period of four weeks from date of first hearing.

5. This writ petition is disposed in the above terms. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

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+1cc to M/s.S.Nagarajan, Advocate in Sr.30623

+2cc to the Government Pleader in Sr.30971

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GP(CO)
RV(20/10/2020)

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