

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.01.2020

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.25817 of 2019
and
W.M.P.No.25264 of 2019

E.Rangasamy .. Petitioner

..Vs..

1.The Collector,
Tiruvannamalai Collector Office,
Tiruvannamalai District.

2.The Tahsildar,
Tiruvannamalai Office,
Tiruvannamalai.

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the second respondent from laying road on petitioner patta land to reach existing burial ground comprised in survey No.71/4A (Patta bearing No.750) New survey No.76/4 to an extent of 1 acre, 29 cents in Alaganandal Village, Tiruvannamalai Taluk & District without passing appropriate order in absence of notification in proceedings vide F1/16/2019 dated 15-07-2019.

For Petitioner : Mr.R.Mohan

For Respondents : Mr.R.Govindasamy
Additional Government Pleader

O R D E R

The petitioner has filed the present Writ Petition for issuance of a Writ of Mandamus, forbearing the second respondent from laying road on petitioner patta land to reach existing burial ground comprised in survey No.71/4A (Patta bearing No.750) New survey No.76/4 to an extent of 1 acre, 29 cents in Alaganandal Village, Tiruvannamalai Taluk & District without passing appropriate order, in absence of notification in proceedings vide F1/16/2019, dated 15-07-2019.

2. It is stated that the petitioner was issued summons by the second respondent namely Tahsildar, Tiruvannamalai for giving his objections if any, for laying road to reach the existing burial ground in survey Nos.67/8 and 76/3 by acquiring patta land of the petitioner. The petitioner also attended the enquiry on 15.07.2019 and submitted his objection to the second respondent.

3. Mr.R.Govindasamy, learned Special Government Pleader appears for the respondents.

4. Counter had been filed by the second respondent and it is stated that the Adidraavidars of Azhakanandal village had represented to provide pathway to reach their burial ground and for this purpose the second respondent identified the petitioner's and his brother's land. It is also stated that it was proposed to acquire the land by private negotiation. In the counter, it is stated that the petitioner was not willing for private negotiations. He also stated that in Survey Nos.67/8 and 76/3, there is existing burial ground.

5. Heard, both sides and perused the materials available on record.

6. Without expressing any opinion on the merits of the case and considering the limited request made by the learned counsel for the petitioner, this Court is inclined to issue a direction to the second respondent. The second respondent is directed to determine the compensation to be payable to the petitioner herein by following proper procedure. In this aspect, the second respondent may also issue notice to the petitioner and the petitioner is to appear before the second respondent on 17.02.2020 and this Court directs the petitioner and the second respondent to sit across the table and decide the compensation to be payable to the petitioner. This procedure shall be completed on or before 15.03.2020 and a direction is also issued to the concerned respondent that the construction of the road shall be put to rest till the compensation is fixed in proper manner.

7. With the above directions, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

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To

1.The Collector,
Tiruvannamalai Collector Office,
Tiruvannamalai District.

2.The Tahsildar,
Tiruvannamalai Office,
Tiruvannamalai.

+1cc to Mr.R.Mohan, Advocate SR.No.4989

+1cc to Government Pleader SR.No.4775

W.P.No.25817 of 2019

CP(CO)
GMY(14/02/2020)



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