



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 30.06.2020
CORAM :

THE HONOURABLE MR. JUSTICE C. SARAVANAN
W.P. (MD) No. 7104 of 2020
and
W.M.P. (MD) No. 6547 of 2020

WEB COPY

Kattapanaiyan
S/O. Periyakaruppan

... Petitioner

vs.

1. The District Collector,
Madurai District, Madurai.
2. The Appellate Authority,
(Land Acquisition National Highways) /
District Revenue Officer,
Collectorate, Madurai.
3. The Tahsildar,
Melur Taluk,
Madurai District.
4. The Special Tahsildar,
(Land Acquisition National Highway No. 338)
Melur to Thiruppathur Unit-I,
Melur - 106, Madurai District.

5. Thirumurugan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari of Mandamus, to call for the records pertaining to the impugned order Na.Ka.No.20/19/A dated 20.02.2020 passed by the 4th respondent and quash the same as illegal, unconstitutional and without jurisdiction and consequently direct the respondents 2 & 4 to pay the compensation amount to the petitioner for acquiring the land comprised in survey No.486/5 to the extent of 0.8.50 ares Nanja land situated at Navinipatti village, Melur Taluk, Madurai District.

For Petitioner : Mr.S.A.Ajmal Khan
For Respondents : Mr.K.Rajarajan, G.A. RR1 to 4
Dr.R.Rajagopal for NHA

ORDER

Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents and also the learned standing counsel appearing for NHA. Since no adverse order is going to be passed against the 5th respondent, notice to the 5th respondent is dispensed with.



2. Though the petitioner has filed this writ petition for a writ of certiorarified mandamus to quash the impugned order dated 20.02.2020 passed by the 4th respondent, from the records, it is noticed that the petitioner has filed an appeal before the District Revenue Officer dated 09.03.2020. It appears that the said appeal has been received by the office of the District Revenue Officer on 10.03.2020.

3. That being the case, I am of the view that the present writ petition is without any merits. Though the petitioner had filed appeal before the District Revenue Officer, it appears that appeal should have been filed before the District Collector as the project comes under the National Highway.

4. In the light of the above, I am inclined to dismiss this writ petition with a liberty to the petitioner to file an appeal before the District Collector, Madurai, within a period of 10 days from the date of receipt of a copy of this order. Upon filing such appeal, the District Collector may dispose the appeal filed by the petitioner, within a period of four weeks thereafter, after due service of notice to the 5th respondent. Till such time, the 4th respondent shall not disburse any amount to the 5th respondent and shall await for the order to be passed by the District Collector, in case, the petitioner files an appeal within the period stipulated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Arul

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The District Collector,
Madurai District,
Madurai.

2.The Appellate Authority,
(Land Acquisition National Highways) /
District Revenue Officer,
Collectorate, Madurai.

3.The Tahsildar,
Melur Taluk,
Madurai District.

4.The Special Tahsildar,
(Land Acquisition National Highway No.338)
Melur to Thiruppathur Unit-I,
Melur - 106, Madurai District.

W.P (MD) No.7104 of 2020
30.06.2020

KB(06.07.2020) 3P 5C