



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.08.2020

CORAM:

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THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

W.P. (MD)No.8828 of 2020

and

W.M.P (MD)No.8095 of 2020

Ajutagore

... Petitioner

Vs.

1.The District Collector,
Sivagangai.

2.The Project Director,
National Highways Authority of India,
Lake Area, Near Mattuthavani Central Bus Stand,
Madurai.

3.The Authorized Officer cum
the Special District Revenue Officer,
(Land Acquisition-National Highways)
National Highways No.383,
Pudukottai Collectorate Campus,
Pudukottai.

4.The Special Tahsidar (Land Acquisition)
National Highways No.383,
Unit-II, Thirupathur Taluk,
Sivagangai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents from evicting the petitioner and his family members from the house bearing Door No.1/2017 at Maruthangudi Village holding Survey No.463/1B1 extent of 425 sqmt in the Sirukudal patty revenue village, Thirupathur Taluk, Sivagangai District for six months time.

For Petitioner

: Mr.R.Venkateswaran

For R1, R3 & R4

: Mr.M.Rajarajan
Government Advocate

For R2

: Mr.C.Arulvadivel @ Sekar



ORDER

The writ petition has been filed forbearing the respondents from evicting the petitioner and his family members from the house bearing Door No.1/2017 at Maruthangudi Village holding Survey No.463/1B1 extent of 425 sqmt in the Sirukudal patty revenue village, Thirupathur Taluk, Sivagangai District for six months.

2.Mr.M.Rajarajan, learned Government Advocate takes notice for the respondents 1, 3 and 4. By consent, the writ petition itself is taken up for final disposal.

3.The learned counsel appearing for the petitioner would submit that the petitioner's land was acquired by the National Highways Authority for laying four lane National Highway. The petitioner has also received compensation on 19.03.2020. During the acquisition proceedings, the petitioner purchased land to construct a house. The construction work has been stalled due to COVID 19 Pandemic. In the mean while, the fourth respondent and his men came to his house and asked to vacate the premises within 15 days.

4. The learned counsel appearing for the petitioner would further submit that since the petitioner has not completed the construction works, he needs three months time to vacate the premises. The petitioner's counsel undertakes to vacate the premises and hand over the possession by 06.11.2020.

5.The learned Government Advocate submits that the respondents will not evict the petitioner from his house comprised in Survey No.463/1B1 measuring an extent of 425 sqmt in the Sirukudal patty revenue village, Thirupathur Taluk, Sivagangai District during the aforesaid period.

6.Though there is some objection raised by the learned Standing Counsel appearing for the second respondent, for the aforesaid period, but agreed to grant reasonable time for vacating the premises.

7. Considering the present situation, this Court is of the view that three months time is granted to the petitioner to vacate the premises in Survey No.463/1B1, extent of 425 sqmt in the Sirukudal patty revenue village, Thirupathur Taluk, Sivagangai District and hand over the possession to the third respondent. I make it clear that the petitioner has to vacate the premises and hand over the same to the third respondent on or before 06.11.2020. If any default on the part of the petitioner, the respondent can evict the petitioner without giving any notice.



8. With the above direction, this writ petition is disposed of.
No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

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// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmi

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,
Sivagangai.

2. The Authorized Officer cum
the Special District Revenue Officer,
(Land Acquisition-National Highways)
National Highways No.383,
Pudukottai Collectorate Campus,
Pudukottai.

3. The Special Tahsidar (Land Acquisition)
National Highways No.383,
Unit-II, Thirupathur Taluk,
Sivagangai District.

+1 CC to The Special GP (SR-13850[F] dated 07/08/2020)

W.P. (MD)No.8828 of 2020
06.08.2020

CS (24.08.2020) 3P C