



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.12.2020

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THE HON'BLE MR.JUSTICE **S.VAIDYANATHAN**

W.P. (MD) No.12795 of 2019

and

W.M.P. (MD) No.9514 of 2019

- 1.Sundarrajan
- 2.Umapathi
- 3.Rajkumar
- 4.Parthiban
- 5.Ramkumar
- 6.Bakkiyalakshmi

... Petitioners

-Vs-

1. The State of Tamil Nadu,
Represented by its District Collector,
Tiruchirappalli District,
Tiruchirappalli - 620 001.
2. The Revenue Divisional Officer,
Tiruchirappalli - 620 001.
3. The Tiruchirappalli City Municipal Corporation,
Represented by its Commissioner,
Tiruchirappalli - 620 001.
4. The Tahsildar,
Tiruchirappalli Taluk,
Tiruchirappalli.

... Respondents

(R.4 impleaded vide Court Order dated 07.02.2020 by SSSRJ in W.M.P. (MD)No.2131/2020 in W.P.(MD)No.12795 of 2019)

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the third respondent to redeliver the vacant physical possession of the property comprised in old T.S.No.66/8, new T.S.No.112 situated at Sengulam Village, Tiruchirappalli - 620 020 admeasuring to an extent of Ac.0.42 Cents or the remaining extent of the property available in boosthithi after deducting an extent of Ac.2.42 Cents out of Ac.2.84 cents acquired by the respondents 1 and 2 for formation of Daily Market by the third respondent within a specified time frame.



For Petitioner : Mr.Shankar Murali
For Respondents : Mr.M.Rajarajan
1, 2 & 4 Additional Government Pleader
For Respondent 3 : Mr.N.S.Karthikeyan

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ORDER

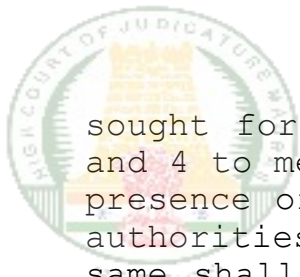
This Writ Petition has been filed, seeking a direction to the third respondent to redeliver the vacant physical possession of the property comprised in old T.S.No.66/8, new T.S.No.112 situated at Sengulam Village, Tiruchirappalli - 620 020 admeasuring to an extent of Ac.0.42 Cents or the remaining extent of the property available in boosthithi after deducting an extent of Ac.2.42 Cents out of Ac.2.84 cents acquired by the respondents 1 and 2 for formation of Daily Market by the third respondent within a specified time frame.

2.Heard the learned Counsel appearing for the petitioner, Mr.M.Rajarajan, learned Additional Government Pleader appearing for the respondents 1,2 and 4 and Mr.N.S.Karthikeyan, learned Standing Counsel appearing for the third respondent.

3.According to the petitioner, the Government of Tamil Nadu has issued a notice under Section 4(1) of the Land Acquisition Act, 1891, for acquiring the land to the third respondent for formation of a daily market over an extent of 2.50 Acres comprised in S.F.No.66/8 in Sengulam Village, Tiruchirappalli Taluk and District. The said property was originally belonged to one Mamundi Konar, son of M.Krishna Konar. As the said Mamundi Konar died issueless, the property was enjoyed by his two brothers namely Srinivasa Konar and Rajagopal Konar and after the demise of Rajagopal Konar, his wife made a demand for partition with Dhanabakkiyathammal, wife of Srinivasa Konar by way of Civil Suit. After getting her share, the said Muthulakshmi Ammal had executed a registered Will dated 07.09.2011 in favour of the petitioners herein. Now, according to the petitioners, an extent of 42 cents of land was additionally occupied by the third respondent apart from 2 Acres 42 Cents which was acquired under 4(1) notification. Therefore, the petitioners have come forward with the present Writ Petition seeking direction to the third respondent to re-deliver the same to them.

4.The learned Additional Government Pleader would submit that the notification was issued to acquire 2 Acre 42 cents out of 2 Acre 84 Acres of land. The learned Standing Counsel appearing for the third respondent Corporation would submit that an extent of 2.69 Acres have been acquired.

5.This Court without going into the merits of the case and instead of appointing Advocate Commissioner, as the petitioner has



sought for issuance of Writ of Mandamus, directs the respondents 3 and 4 to measure the land by taking videograph and photograph in the presence of the petitioners and decision shall be arrived at by the authorities concerned. In case of any excess land available, the same shall be handed over to the persons who are the owners of the property. The said exercise shall be done within a period of 120 days from the date of receipt of a copy of this order.

6. Accordingly, this Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

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/ /2021

Sub Assistant Registrar (CS)

SRM

To

1. The District Collector,
State of Tamil Nadu,
Tiruchirappalli District,
Tiruchirappalli - 620 001.
2. The Revenue Divisional Officer,
Tiruchirappalli - 620 001.
3. The Commissioner,
Tiruchirappalli City Municipal Corporation,
Tiruchirappalli - 620 001.
4. The Tahsildar,
Tiruchirappalli Taluk,
Tiruchirappalli.

+1cc to Mr.K.Sankar Murali, Advocate, SR.No.25496.

W.P. (MD) No.12795 of 2019
14.12.2020

TP (CO)
CS (29.01.2021) 3P 6C