



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.11.2020

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THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD)No.14728 of 2020

Jamal Mohamed

...Petitioner

-Vs-

1.The District Collector,
Collectorate, Ramanathapuram District.

2.The District Revenue Officer,
District Revenue Office,
Ramanathapuram.

3.The Special Tahsildar (Land Acquisition-National Highways),
Karaikudi-Ramanathapuram NH-210,
Extension Scheme-II,
R.S.Mangalam, Ramanathapuram.

4.The Project Director,
Karaikudi-Ramanathapuram NH-210,
Extension Scheme-II Project,
National Highways Authority of India,
Karaikudi.

...Respondents

(4th respondent is impleaded vide Court order dated 03.11.2020 in W.M.P.(MD)No.12822 of 2020 in W.P.(MD)No.14728 of 2020)

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondents 2 and 3 herein to consider the petitioner's representations dated 07.09.2020 and 10.09.2020 to resurvey the land and fix compensation and pass award for the land and buildings in Survey No.190/2A2B, Solandur Village, R.S.Mangalam, Ramanathapuram District within a time stipulated by this Court.

For Petitioner: Mr.D.Nallathambi

For R1 to R3 : Mr.K.P.Krishna doss,
Special Government Pleader.

For R4 : Mr.C.Arul Vadivel @ Sekar



ORDER

The petitioner has come forward with this Writ Petition, seeking a direction to the respondents 2 and 3 to consider the petitioner's representations dated 07.09.2020 and 10.09.2020 to resurvey the land and fix compensation and pass award for the land and buildings in Survey No.190/2A2B, Solandur Village, R.S.Mangalam, Ramanathapuram District within a time stipulated by this Court.

2. According to the petitioner, a portion of the land has already been taken earlier for widening the road and at that time, it has been stated that there was a building standing in the land in Survey No.190/2A2B. The third respondent has requested the petitioner to appear for the enquiry. However, the petitioner has sent a representation dated 07.09.2020 to the respondents 1 to 3 stating that no Engineer has inspected the land for valuation and estimation based on the present market value and no measurement has been taken and there is no mentioning about the building in the enquiry proceedings. Since no efforts were taken, the petitioner has sent another representation dated 10.09.2020 to the respondents 1 to 3. The first respondent, by his proceedings dated 18.09.2020, has directed the second respondent to resurvey the land and file a report to that effect. However, till date no resurvey was conducted. Hence, the petitioner has approached this Court seeking aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that earlier, it has been stated that there was a building standing in the land in Survey No.190/2A2B. Thereafter, there is no mentioning about the land in the said survey number. Hence, on the presumption that there is no building, taking the entire land without paying compensation is bad in law.

4. The learned Special Government Pleader appearing for the respondents 1 to 3 would submit that the building is only temporary structure using tin sheets and that it is not a pacca building and that the value of the building has also been assessed, which has been disputed by the petitioner. The second respondent has no issue in completing the enquiry, within the time stipulated by this Court, after affording opportunity to the petitioner. Hence, this Court may record the submission and dispose of the Writ Petition.

5. In reply, the learned counsel appearing for the petitioner would submit that the petitioner shall be available at the time of measuring the land, so that he will also know about the correct measurement that has to be made by the Surveyor and that within the time stipulated by this Court, the authorities shall dispose of the matter and in case, they want to take the land, appropriate compensation in accordance with law shall be paid.



6.Heard both sides and perused the materials available on record carefully.

7.It is not in dispute that the enquiry is pending before the third respondent. The land in Survey No.190/2A2B in National Highways sought to be taken for which compensation is sought for by the petitioner and that there is a building in the said survey number, which has been refuted by the respondents that the building is not a pacca one and it is constructed using tin sheets. The petitioner has also produced photographs of the place. Without giving any finding on those photographs produced by the petitioner, survey shall be conducted in the presence of the petitioner by following the guidelines issued by this Court in W.P.(MD) No.13465 of 2020, dated 13.10.2020 and a decision shall be taken by the second respondent on the representations of the petitioner dated 07.09.2020 and 10.09.2020, within a period of four months from the date of receipt of a copy of this order.

8.Accordingly, this Writ Petition stands dispose of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

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Sub Assistant Registrar(CS)

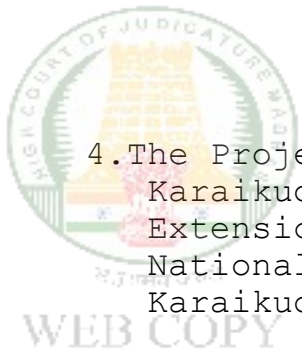
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Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant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

To

- 1.The District Collector,
Collectorate, Ramanathapuram District.
- 2.The District Revenue Officer,
District Revenue Office,
Ramanathapuram.
- 3.The Special Tahsildar (Land Acquisition-National Highways),
Karaikudi-Ramanathapuram NH-210,
Extension Scheme-II,
R.S.Mangalam, Ramanathapuram.

<https://hcservices.ecourts.gov.in/hcservices/>



4.The Project Director,
Karaikudi-Ramanathapuram NH-210,
Extension Scheme-II Project,
National Highways Authority of India,
Karaikudi.

+1 CC to SGP (SR-21155[F] dated 04/11/2020)

+1 CC to M/s.D. NALLATHAMBI, Advocate (SR-21196[F] dated 04/11/2020

Order made in
W.P. (MD) No.14728 of 2020

03.11.2020

MR (CO)

NR (27/11/2020) 4P : 7C