



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2021

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. No. 24823 of 2021

A.Siva

... Petitioner

-vs-

- 1.The Collector,
Perambalur,
Perambalur District.
- 2.The Director of Local Fund Audit
Collectorate, Perambalur,
Perambalur District.
- 3.The Block Development Officer,
(Village Panchayats),
Veppanthattai Panchayat Union,
Perambalur District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the respondents to grant appropriate compensation towards the construction of the Overhead Tank in the petitioner's land of extent about 7 cents comprised in S.No.250/1 (as per Patta S.No.250/39), Noothapur Village, Veppanthattai Panchayat Union, Perambalur District Within a time limit to be stipulated by this Court.

For Petitioner : Mr.P.Mohanraj-MS/1146/2001

For Respondents : Mrs.V.Yamunadevi
Special Government Pleader for R1 & R2
Mr.V.Nanmaran
Additional Government Pleader for R3

O R D E R

The prayer sought for herein is for a writ of mandamus directing the respondents to grant appropriate compensation towards the construction of the Overhead Tank in the petitioner's land of extent about 7 cents comprised in S.No.250/1 (as per Patta S.No.250/39), Noothapur Village, Veppanthattai Panchayat Union, Perambalur District.

2. It is the claim of the petitioner that, a land of 21 cents at S.No.250/1 at Noothapur Village, Veppanthattai



Panchayat Union, Perambalur District belongs to the petitioner.

3. Since the petitioner is away from the said village, as she claimed to have been residing at Coimbatore District, it is the further case of the petitioner that, meanwhile some time back, the third respondent has constructed a overhead tank in a part of the said land belongs to the petitioner in the aforesaid survey number i.e., S.No.250/1, and this has come to the knowledge of the petitioner very recently. Therefore, in order to get the compensation for the land utilised by the 3rd respondent for constructing a overhead tank in the petitioner's land, she has given a representation to the second respondent on 18.02.2021.

4. The said representation having been considered by the second respondent, was forwarded to the third respondent by his proceedings dated 16.03.2021 to take action and to file a status report to that effect. Despite the said communication has been issued by the first respondent to the second respondent, who in turn sent a communication on 22.03.2021, no action since has been taken by the third respondent for getting a compensation for the land utilised by the third respondent for constructing the said overhead tank, the petitioner has approached this Court with the aforesaid prayer to consider his representation and to pass orders with regard to the compensation claimed by the petitioner.

5. Mr.P.Mohanraj, learned counsel appearing for the petitioner having reiterated the aforesaid facts would seek the indulgence of this Court by way of a mandamus.

6. Heard Mr.V.Nanmaran, learned Additional Government Pleader, appearing for the third respondent and Mrs.V.Yamunadevi, learned Special Government Pleader appearing for first and second respondents, who would submit that, insofar as the land in question, i.e., Survey No.250/1, to the extent of 8959 square feet, the same has been shown in the village records as kalinatham i.e., empty natham.

7. This being the position, as per revenue records, the said land was used for the purpose of construction of overhead tank and that was constructed 20 years back to be used for supplying water to the village people.

8. When that being so, now the petitioner has come forward to claim the compensation for the land, which was utilised for the construction of overhead tank as if it belongs to the petitioner, and therefore, she claims to be entitled for compensation. Accordingly, she made an application or representation, and the same having been considered, was rejected and hence the petitioner approached this Court.



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9. The third respondent has filed a detailed counter affidavit stating that, the payment of compensation to the petitioner does not arise for the reason that the land in question has been utilized by the Government for construction of overhead tank as it has been classified as "Kalinatham" as per the revenue records.

10. I have considered the rival submissions made by both the parties and have perused the materials placed on record.

11. It is seen that, the respondents have come out with stand that the land in question to the extent of 8959 Square feet in Survey No.250/1, though is claimed to be the land of the petitioner, according to the petitioner, it does not belong to the petitioner in view of the revenue records where it is stated to be "Kalinatham".

12. When that being the position, it is for the petitioner to approach the revenue authorities or go to the Civil Court to establish her rights over the property and in this regard it is for the petitioner to approach the revenue authorities to convince them that such kind of land is wrongly entered in the revenue record as kaalinatham and if she succeeds in her approach to get reversal in this regard then the petitioner may be entitled for any compensation as claimed now from the third respondent or other respondents. Unless that exercise is undertaken by the petitioner, the present plea made by the petitioner to get a compensation from the respondent does not arise as has been averred by the third respondent.

13. Therefore, this Court has no hesitation to hold that the petitioner is not entitled for any direction from this Court as of now in this writ petition. Therefore, with these observations this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

rap/mp

To

1.The Collector,
Perambalur,
Perambalur District.



2.The Director of Local Fund Audit
Collectorate, Perambalur,
Perambalur District.

3.The Block Development Officer,
(Village Panchayats),
Veppanthattai Panchayat Union,
Perambalur District.

+1cc to Mr.P.Rajendran, Advocate SR. No.64274

+1cc to Government Pleader SR. No. 64359

W.P. No. 24823 of 2021

SPD (CO)

PR (11/02/2022)