



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.08.2021

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.13682 of 2021

and

W.M.P. (MD) .No.10623 of 2021

A.Sundaraj

... Petitioner

Vs.

1. The District Collector,
Kanyakumari District, Nagercoil.
 2. The Competent Authority &
District Revenue Officer,
Land Acquisition National Highways,
Tirunelveli @ Nagercoil,
Kanyakumari District.
 3. The Project Director cum DGM (Tech),
No.314E, K.P. Road,
Near Ayappan Kovil,
Parvathipuram, Nagercoil-629 003,
Kanyakumari District.
 4. The Superintendent of Police,
Kanyakumari District, Nagercoil.
 5. The Revenue Divisional Officer,
Padmanapuram, Kanyakumari District.
 6. The Special Tahsildar (LANH Unit III),
Vilvancode, Thiruthuvapuram,
Kanyakumari District.
 7. The Tahsildar,
Kalkulam Taluk, Kanyakumari District.
 8. The Land Surveyor,
Thiruvithancode,
Kanyakumari District.
- ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 6 to 8 to implement the order dated 12.12.2019 passed by the Sub Collector, Padmanabhapuram and further direction



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to respondents 3 and 4 not to demolish the petitioner's house without fixing boundary stones after measurement by respondents 6 to 8 by passing orders on the representation dated 26.07.2021.

For Petitioner : Mr.G.Justin
For R-1, R-2,
R-4 to R-8 : Mr.R.Baskaran
Counsel for the State
For R-3 : Mr.Su.Srinivasan
Standing Counsel

ORDER

The petitioner seeks a direction to the sixth to eighth respondents to implement the order dated 12.12.2019 of the Sub Collector, Padmanabhapuram and also seeks consequential relief.

2. The petitioner states that he was the owner of land admeasuring about 67.5 cents in Survey No.830/5. According to the petitioner, from and out of the aforesaid 67.5 cents, an extent of 59 cents was acquired in connection with the construction of NH-47. Consequently, it is stated that an extent of 8.5 cents was not acquired and continues to be in the petitioner's possession and enjoyment.

3. The petitioner states that he filed an appeal on 13.12.2018 to the fifth respondent against the order dated 14.11.2018 of the seventh respondent. By order dated 12.12.2019, the fifth respondent directed the conduct of a survey in respect of the aforesaid 8 1/2 cents and marking of boundaries in respect thereof. In spite of such direction, it is stated that no action has been taken thereon by the Tahsildar.

4. Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of the respondents 1, 2, 4 to 8. Mr.Su.Srinivasan, learned Standing Counsel accepts notice on behalf of the third respondent.

5. Upon perusal of the order dated 12.12.2019, it is clear that the Tahsildar has been directed to conduct a survey and fix the boundary stones in respect of 8 ½ cents in Survey No.830/5.

6. Needless to say, before such survey is conducted, all parties who would be affected by such survey or by the fixation of boundary stones should be put on notice. In particular, the National Highways Authority, which acquired a portion of the lands in Survey No.830/5, should clearly be put on notice as also any persons interested in the lands adjoining such boundaries, and any objections received from such parties should be duly taken into account.



7. Subject to the above observations but without going into the merits of the matter, the Tahsildar, Kalkulam Taluk and the Land Surveyor, Thiruvithancode, Kanyakumari District are directed to conduct such survey after providing a reasonable opportunity of hearing to the petitioner, third respondent and any others who would be affected by such survey. Such survey shall be conducted and concluded within a period of three (3) months from the date of receipt of a copy of this order.

8. W.P.(MD).No.13682 of 2021 is disposed of on these terms without any order as to costs. Consequently, W.M.P.(MD).No.10623 of 2021 stands closed.

Sd/-

Assistant Registrar (AS)

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/ /2021

Sub Assistant Registrar(CS)

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,
Kanyakumari District, Nagercoil.

2.The Competent Authority &
District Revenue Officer,
Land Acquisition National Highways,
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Kanyakumari District.

3.The Superintendent of Police,
Kanyakumari District, Nagercoil.

4.The Revenue Divisional Officer,
Padmanapuram, Kanyakumari District.

5.The Special Tahsildar (LANH Unit III),
Vilvancode, Thiruthuvapuram,
Kanyakumari District.

6.The Tahsildar,
Kalkulam Taluk,
Kanyakumari District.



7.The Land Surveyor,
Thiruvithancode, Kanyakumari District.

+1 CC to M/s.G.JUSTIN, Advocate (SR-25693[F] dated
09/08/2021)

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