



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.08.2021

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.14078 of 2021

and

W.M.P(MD) No.11047 of 2021

WEB COPY

M.Habibu Rahman

... Petitioner

Vs.

1.The District Revenue Officer
Ramanathapuram District,
Ramanathapuram.

2.The Revenue Divisional Officer,
Ramanathapuram R.D.O Office,
Ramanathapuram.

3.The Tahsildhar
Ramanathapuram Taluk,
Ramanathapuram District.

4.The Secretary "Dr. Illayaraja Global Academy"
Madurai Rameshwaram Highway,
Pirappanavalasai - 623516,
Ramanathapuram District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing these respondents 1 to 3 from taking any action, consequences of the any land acquisition of the property of 14.46 acres in S.No.154/2 in Nochiyurani Revenue Village in Ramanathapuram District, u/s 24 (2) of Right to Fair Compensation and Transparency in Land Acquisition Act, as the acquisition proceedings if any have become "non est" as per the representations undated one and also dated 15-03-2020.

For Petitioner : Mr.F.X.Eugene
For Respondents 1 to 3 : Mr.R.Baskaran,
Counsel for State.

ORDER

The petitioner seeks a direction to respondents 1 to 3 herein to restrain them from taking any action by way of land acquisition as regards the property ad-measuring 14.46 acres S.No.154/2 in Nochiyurani Revenue Village of Ramanathapuram District.



2. The petitioner states that the aforesaid property was originally owned by his father, who had purchased the same under a registered sale deed dated 10.04.1936. Upon his death, the petitioner and his siblings are the legal heirs. The petitioner further states that he carried on business in Dindigul and, therefore, visited his native place from time to time. On one such visit, he gathered that the fourth respondent has acquired the land from third parties. He asserts that his father did not transfer the land and that no compensation was paid in relation to any acquisition thereof. The present Writ Petition is filed in these facts and circumstances.

3. Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of respondents 1 to 3. On instructions, he submits that the land bearing Survey No.154/2 is currently classified as ryotwari punja in the relevant "A" Register. He states that the said land has been subdivided into Survey No.154/2A1 and 1154/2A13. He also states that proceedings were initiated under the Land Reforms Act at an earlier point of time and that such lands were subsequently allotted to landless persons.

4. The petitioner has come to the Court without gathering the relevant information or documents. Indeed, the petition is filed on the assumption that the lands were acquired either under the erstwhile Land Acquisition Act, 1894 or under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. These assumptions appeared to be incorrect in view of the submissions made by learned counsel for the State. Therefore, no useful purpose would be served by issuing a mandamus of any nature to respondents 1 to 3 herein.

5. Accordingly, W.P.(MD).No.14078 of 2021 is disposed of by leaving it open to the petitioner to file a more appropriate petition after obtaining relevant information and documents for such purpose. There will be no order as to costs. Consequently, W.M.P.(MD).No.11047 of 2021 is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg



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.

WEB COPY

To

1.The District Revenue Officer
Ramanathapuram District,
Ramanathapuram.

2.The Revenue Divisional Officer,
Ramanathapuram R.D.O Office,
Ramanathapuram.

3.The Tahsildhar
Ramanathapuram Taluk,
Ramanathapuram District.

+1 CC to M/s.F.X.EUGENE, Advocate (SR-26036[F] dated 12/08/2021)

+1 CC to M/s.GP (SR-26241[F] dated 13/08/2021)

**W.P (MD) No.14078 of 2021
12.08.2021**

RD(23.08.2021) 3P 6C