



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2021

CORAM

**THE HON'BLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY**

W.P. (MD) No.14442 of 2021

Syed Mohamed

... Petitioner

Vs.

1.The District Collector,  
Trichy District,  
Trichy,

2.The Director,  
Trichy International Airport,  
Trichy,  
Trichy District.

3.The Special Tahsildar (Land Acquisition),  
Trichy International Airport Expansion Project,  
Trichy International Airport,  
Trichy,  
Trichy District.

... Respondents

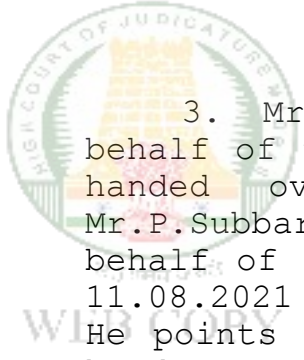
**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider and dispose of the petitioner's representation dated 05.08.2021 for proper compensation for his loss and seeking time for vacating the site in Survey No.203/1A measuring 40382 square feet Situated at Pattathammal Street, Kottapattu Village, Pudukkottai Main Road, Airport, Trichy-600 007 within a time stipulated by providing proper opportunity to him.

|                 |   |                                 |
|-----------------|---|---------------------------------|
| For Petitioner  | : | Mr.P.Maharaja                   |
| For Respondents | : | Mr.P.Subharaj                   |
|                 | : | Counsel for State for R1 and R3 |
|                 | : | Mr.Godwin for R2                |

### O R D E R

The petitioner seeks compensation and time to vacate the property bearing Survey No.203/1A measuring 40,382 sq.ft. at Pattathammal Street, Kottapattu Village, Pudukkottai Main Road, Airport, Trichy.

2. The petitioner claims to be a tenant of the aforesaid property. It is stated that the petitioner runs a shop therein and has installed equipment worth about one crore therein. Therefore, the petitioner submitted a representation dated 05.08.2021 and has approached this Court on account of the failure of the respondents to dispose of such representation.



3. Mr.Godwin, learned Standing Counsel, accepts notice on behalf of the second respondent, and states that the land has been handed over for purposes of the Airport on 03.08.2021. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of the respondents 1 and 3. He has produced an order dated 11.08.2021 addressed to Thiru.Kulam Moidheen and Tmt.Malliga Beevi. He points out that by such order the recipients were directed to hand over vacant possession within two days, failing which action would be initiated on 17.08.2021 for removal of encroachment.

4. From the facts set out in the affidavit in support of the writ petition, it appears that the petitioner was a tenant. He relies upon a rental agreement dated 24.05.2016. Such agreement was for a period of 5 years from 20.04.2016. Therefore, it is clear that such agreement has expired. As regards compensation, the petitioner should remove any equipment that has been installed in the rented premises while vacating such premises, and cannot claim compensation for such equipment. However, in view of the fact that the petitioner has submitted a representation and such representation has not been disposed of till date, the first and third respondents may be directed to dispose of the representation within a reasonable time frame.

5. Accordingly, subject to the observations aforesaid, the third respondent herein is directed to consider the petitioner's representation dated 05.08.2021 and dispose of the same by a reasoned order within a period of 30 days from the date of receipt of a copy of this order. Such reasoned order shall be passed after providing an opportunity to the petitioner.

6. W.P.(MD).No.14442 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sbn

To

1.The District Collector,  
Trichy District,  
Trichy,

2.The Director,  
Trichy International Airport,  
Trichy, Trichy District.

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



3.The Special Tahsildar (Land Acquisition),  
Trichy International Airport Expansion Project,  
Trichy International Airport,  
Trichy,  
Trichy District.

+1 CC to M/s.C.GODWIN, Advocate ( SR-26416[F] dated 16/08/2021 )

+1 CC to M/s.GP ( SR-26488[F] dated 17/08/2021 )

W.P. (MD) No.14442 of 2021  
16.08.2021

RD(26.08.2021) 3P 6C