



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.09.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.16169 of 2021

and

W.M.P(MD).N0.13036 of 2021

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Thiru Murugan

... Petitioner

Vs.

1.The District Collector,
Theni District, Theni.

2.The District Revenue Officer,
Theni District, Theni.

3.The Project Director,
District Rural and Deployment,
District Collectorate, Theni District.

4.The Executive Engineer,
Public Works Department,
Theni District, Theni.

5.The Block Development Officer,
Periyakulam, Theni District.

6.The Tahsildar,
Periyakulam Taluk Office,
Periyakulam,
Theni District.

7.The Panchayat President,
Gullapuram Panchayat,
Periyakulam Taluk,
Theni District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to award compensation to the petitioner for acquiring the 20 cents of land from the petitioner's patta lands in Survey Nos.1107/1A1 and 1107/1B1, situating in Gullapuram Village, Periyakulam Taluk, Theni District, based on the petitioner's representation dated 30.07.2021 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.A.Karthick Kumar

For Respondents : Mr.P.Subbaraj,

Counsel for State for R1 to R4 and R6
Mr.P.Suresh Kumar, for R5 and R7



O R D E R

The petitioner seeks a direction for the payment of compensation for the acquisition of 20 cents of land by the respondents in Survey Nos.1107/1A1 and 1107/1B1 at Gullapuram Village, Periyakulam Taluk, Theni District.

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2. The petitioner states that he was the owner of 20 cents of land in the above mentioned survey numbers. It is asserted that the relevant revenue records reflected his name and that he was issued Patta No.4398 in respect thereof. According to the petitioner, in the year 2004, the Government formed a water channel and road and thereby occupied the said 20 cents of land owned by the petitioner. In spite of submitting multiple representations in such regard, it is stated that no action was taken for the payment of compensation to the petitioner. The present writ petition is filed in such facts and circumstances.

3. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of respondents 1 to 4 and 6; Mr.R.Suresh Kumar, learned counsel, accepts notice on behalf of respondents 5 and 7.

4. By drawing reference to the proceedings of the Block Development Officer, Mr.Subburaj points out that the petitioner's request was rejected by the communication dated 23.08.2021. He points out that the request was rejected on the ground of laches. In specific, he points out that the said communication records that the petitioner's representations dated 02.05.2005, 16.10.2005, 03.11.2005 and 07.11.2005 were not received and that the petitioner had not submitted any evidence with regard to the submission thereof or the receipt of any response in relation thereto. Therefore, by recording that compensation cannot be paid in respect of an activity that took place about fifteen years ago, he submits that the petitioner's representation was rejected.

5. In response, learned counsel for the petitioner refers to the receipts issued in response to his representations. He refers to receipts issued on 08.09.2004 and 02.05.2005.

6. In the above facts and circumstances, the petitioner is entitled to the consideration of his representation. However, in view of the statements in communication dated 23.08.2021 of the Block Development Officer, the petitioner should resubmit copies of the earlier representations, the receipts or acknowledgements in relation thereto and response, if any, received in such regard. Such documents shall be submitted by the petitioner along with a copy of this order within two weeks from the date of receipt thereof to the District Collector. Upon receipt, the first respondent is directed to consider the petitioner's representation and dispose of the same by a reasoned order within a period of three months from the date of receipt thereof.



7. Accordingly, W.P(MD).No.16169 of 2021 is disposed of on these terms without any order as to costs. Consequently, connected W.M.P(MD).No.13036 of 2021 is closed.

Sd/-

Assistant Registrar (W)

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// True Copy //

/ /2021
Sub Assistant Registrar(CS)

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To

- 1.The District Collector,
Theni District, Theni.
- 2.The District Revenue Officer,
Theni District, Theni.
- 3.The Project Director,
District Rural and Deployment,
District Collectorate, Theni District.
- 4.The Executive Engineer,
Public Works Department,
Theni District, Theni.
- 5.The Block Development Officer,
Periyakulam,
Theni District.
- 6.The Tahsildar,
Periyakulam Taluk Office,
Periyakulam,
Theni District.
- 7.The Panchayat President,
Gullapuram Panchayat,
Periyakulam Taluk,
Theni District.

+1 CC to M/s.A.KARTHICK, Advocate (SR-29016[F] dated 14/09/2021)

+1 CC to M/s.SPL GP (SR-28807[F] dated 13/09/2021)

W.P. (MD)No.16169 of 2021

09.09.2021

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