



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD)No.18121 of 2021

M.Navaneetha Krishnan

... Petitioner

vs.

1.The District Collector,
Madurai District,
District Collectorate, Madurai-20.

2.The Regional officer,
National Highway Authority of India,
No.2nd and 3rd Floor, Vijaya Krishna Plaza,
Melur Road,
Madurai.

3.The Authorized Officer - cum -
the Special District Revenue Officer
(Land Acquisition),
NH 785, 785E & 85 (New),
Madurai.

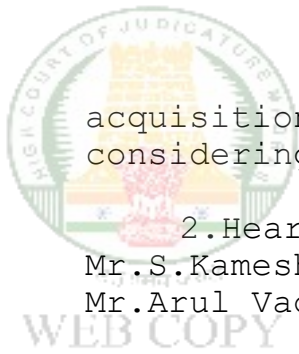
4.The Special Tahsildar (Land Acquisition),
National Highways No.744A, Unit-6,
Tirumangalam and Madurai-Natham
National Highways No.785, Unit-1,
Managiri 3rd Street, Arul Malar Matric School Opp.,
K.K.Nagar, Madurai District-625 020. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents herein to direct to incorporate the survey number as S.No.138/20 instead of 138/21B situated at Thiruppalai Village, Madurai North Taluk, Madurai in land acquisition proceedings and to pay compensation by considering the representation of the petitioner, dated 28.07.2021 within the time stipulated by this Court.

For Petitioner :Mr.R.Arvind Raj
For R1, R3 and R4 :Mr.S.Kameshwaran
Government Advocate
For R2 :Mr.C.Arul Vadivel @ Sekar

O R D E R

The Writ Petition has been filed in the nature of Mandamus seeking a direction against the respondents, particularly, the second respondent to incorporate S.No.138/20 instead of 138/21B at Thiruppalai Village, Madurai North Taluk, Madurai, in the land



acquisition proceedings and pay compensation to the petitioner by considering the representation of the petitioner, dated 28.07.2021.

2. Heard Mr.R.Arvind Raj, learned Counsel for the petitioner, Mr.S.Kameshwaran, learned Government Advocate for R1, R3 and R4 and Mr.Arul Vadivel @ Sekar, learned Counsel for the second respondent.

3. It is a case of the petitioner that the second respondent had taken a decision to lay four way road NH758, from Madurai to Natham and in this connection, the third respondent had issued a notification under Section 3(D) of National Highways Act, declaring the land in S.No.138/21B to an extent of 150 sq.mtr., to be acquired and it was stated that thereafter, compensation should be decided for such acquisition.

4. The grievance of the petitioner is that the land, which actually falls within the zone of acquisition is S.No.138/20 and therefore, the present Writ Petition has been filed seeking a declaration that the land actually acquired is S.No.138/20 and that compensation should be paid for such acquisition.

5. A counter had been filed by the second respondent, wherein, it had been stated that the road had actually been laid in S.No.138/20 measuring 49.50 sq.mtr., for which, patta stands in the name of the petitioner/M.Naveenatha Krishnan, son of Madasamy Konar. It had been stated that the petitioner had been called for enquiry and the petitioner had also given his consent for acquisition of the land in S.No.138/20 measuring 49.50 sq.mtr. It was also stated that subsequent proceeding will be proceeded only against the petitioner with respect to S.No.138/20 measuring 49.50 sq.mtr.

6. I would leave the progress of such further proceedings to the wisdom of the petitioner and the other authorities. It is also seen that notice had also been issued to the petitioner to produce relevant documents and I am confident that the petitioner shall accede to the same.

7. In view of the statements made in the counter affidavit, nothing survives for further adjudication in the Writ Petition and a direction is given to the second respondent to examine the compensation amount to be paid to the petitioner with respect to the acquisition of land in S.No.138/20 measuring 49.50 sq.mtr., which admittedly belongs to the petitioner, and for which, patta stands in the name of the petitioner. Necessary steps should be taken and proceeded in accordance with law. The learned Counsel for second respondent states that the entire process would be completed within a period of four weeks. I am confident that, if there are no other impediments, the time schedule would be maintained.



8. With the said observations, the Writ Petition is disposed of.
No costs.

Sd/-

Assistant Registrar (AD-I)

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/ /2021

Sub Assistant Registrar (CS)

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To

1. The District Collector,
Madurai District,
District Collectorate, Madurai-20.
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National Highway Authority of India,
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Managiri 3rd Street, Arul Malar Matric School Opp.,
K.K.Nagar, Madurai District-625 020.

+1 CC to M/s.C. ARUL VADIVEL @ SEKAR, Advocate (SR-35676[F]
dated 24/11/2021)

+1 CC to M/s.SPL GP (SR-35851[F] dated 25/11/2021)

Order made in

W.P. (MD) No.18121 of 2021

23.11.2021

SMV (CO)

GC(02.12.2021) 3P 7C