



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.18895 of 2021

M.Manmohan

... Petitioner

Vs.

- 1.The District Collector,
O/o. District collectorate,
Tiruchirappalli-620 001.
- 2.The Commissioner,
Tiruchirappalli Corporation,
Barathidasan Road,
Cantonment,
Tiruchirappalli-620 001.
- 3.The Assistant Director,
Department of Land Records,
District Collector Office,
Tiruchirappalli-620 001.
- 4.The Revenue Divisional Officer,
District Collectorate Office,
Tiruchirappalli-620 001.
- 5.The Revenue Thasildar,
Tiruchirappalli West Circle,
Barathidasan Road,
Cantonment,
Tiruchirappalli-620 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to pay compensation to the petitioner for having acquired the excess land to the extent of 424 sq m (4569 sq ft) in T.S.No.5, block 18, Survey ward J (old ward X), Ko.Abishegapuram Village, Tiruchirappalli West Circle, Tiruchirappalli Municipality, Tiruchirappalli District by considering the representation dated 16.08.2021 given by the petitioner to the respondents within the period that may be stipulated by this Court.

For Petitioner	: Mr.C.Venkatesh Kumar For M/s.Ajmal Associates
For R1 & R3 to R5	: Mr.P.Subbaraj Counsel for State
For R2	: Mr.R.Baskaran Standing Counsel



ORDER

The petitioner seeks a direction for the payment of compensation for the alleged acquisition of excess land of an extent of 424 sq. mtrs in T.S.No.5, block 18, Survey Ward J, Ko.Abishegapuram Village, Tiruchirappalli West Taluk, Tiruchirappalli City Corporation.

2.The petitioner claims that he purchased the above mentioned property under a registered sale deed dated 30.03.2012. In order to acquire a portion of the property in T.S.No.5, it is stated that the Tiruchirappalli City Corporation issued a notification dated 18.09.2007. The petitioner asserts that the said notification was only in respect of 1200 sq mtrs. Accordingly, a sale deed dated 07.05.2010 was executed in favour of the second respondent by the petitioner's vendor, one Mr.Ganshyam. Subsequently, it is stated that the petitioner purchased the remaining extent of 20,189 sq.ft. In order to develop the property, the petitioner undertook a survey thereof. At such time, the petitioner discovered that the extent of land in the possession of the petitioner is only 1394 sq.mtrs and not 1818 sq.mtrs. On such basis, the petitioner has concluded that the second respondent acquired an excess extent of 424 sq.mtrs.

3.Mr.P.Subbaraj, learned counsel for the State, accepts notice for respondents 1 and 3 to 5 and Mr.R.Baskaran, learned Standing Counsel, accepts notice for the Tiruchirappalli City Corporation. Mr.R.Baskaran submits that a survey would have to be conducted to ascertain whether the petitioner's allegation that excess land is in the possession of the second respondent is true. The payment of compensation is a distinct matter and Mr.R.Baskaran submits that the two issues should not be conflated at this juncture.

4.Accordingly,W.P. (MD).No.18895 of 2021 is disposed of by directing the second respondent to consider the petitioner's representation dated 16.08.2021. For such purpose, the second respondent may undertake a survey and thereafter issue a reasoned communication in such regard to the petitioner. The said process shall be completed within a period of three (3) months from the date of receipt of a copy of this order. However, there will be no order as to costs.

Sd/-

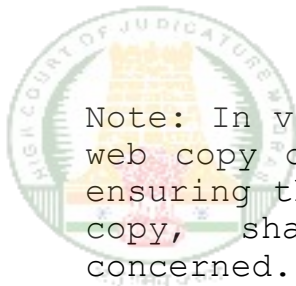
Assistant Registrar (P & A)

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/ /2021

Sub Assistant Registrar(CS)

sn/sji



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

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O/o. District collectorate,
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Cantonment,
Tiruchirappalli-620 001.

+1 CC to M/s.R.BASKARAN, Advocate (SR-32458[F] dated 25/10/2021)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-32678[F] dated 26/10/2021)

+1 CC to M/s.SPL.GP (SR-32581[F] dated 26/10/2021)

W.P (MD) .No.18895 of 2021
25.10.2021

NSN (CO)
RS/PM (10.11.2021) 3P 9C