



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NO.14057 OF 2022

AND

W.M.P.NO.13301 OF 2022

C.Duraisamy

...Petitioner

Vs.

- 1.The District Collector
Tirupur District Collectorate,
Palladam Road, Tirupur - 641 605.
- 2.Tamil Nadu Water and Drainage Board,
Rep. By its Executive Engineer,
No.5 (1), 2nd Floor, 2nd Cross Street,
Odakkadu, College Road,
Tirupur District - 641 602.
- 3.The Block Development Officer,
Tirupur Union Office,
Tirupur North Taluk,
Tirupur - 641 601.
- 4.Vallipuram Panchayat,
Rep. by its President,
Avinashi Taluk,
Tirupur District - 638 103

...Respondents

PRAYER : Writ Petition is filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus or direction or order in the nature of Mandamus directing the respondents from any manner interfering with the petitioner's peaceful possession and enjoyment of the agricultural land comprised in S.No. 218/2A situated at Vallipuram Village Avinashi Taluk, Tirupur District without paying compensation so far it relates to encroached portion of land an extent of 260 sq.ft by the respondents 2 to 4 in the aforesaid petitioner's land and consequently forbear the respondents from encroaching the petitioners land without issuing notice under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013 to the petitioner.



WEB COPY

For Petitioner : Mr.G.Ethirajulu
For R1 to R3 : Mr.E.Vijay Anand
Additional Government Pleader

ORDER

The petitioner herein has produced the sale deed dated 13.06.2012 executed in his favour as well as the patta granted to him which evidences that he is the owner of the land comprised in Survey No.218/2A Part, Vallipuram Village, Avinashi Taluk.

2.It is the claim of the petitioner that the respondents herein are now trying to encroach into his property by putting up construction without following the due process of law.

3.It is needless to point out that if at all the respondents intend to acquire the petitioner's property, there is a duty cast upon them to issue appropriate notices under the procedure contemplated in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

4.The petitioner has also given a representation dated 20.05.2022 ventilating his grievances, which is said to be pending.

5.This Court is of the view that the representation of the petitioner could be directed to be considered, after giving due opportunity to the petitioner in order to secure justice.

6.In the light of the above discussion, there shall be a direction to the respondents herein to consider the petitioner's representation dated 20.05.2022 within a period eight (8) weeks. Till such consideration, the respondents shall not disturb the petitioner's possession of the property situated in Survey No.218/2A Part, Vallipuram Village, Avinashi Taluk.

7.With the above direction, the Writ Petition stands disposed of accordingly. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-
Vacation Officer

// True Copy //

Sub Assistant Registrar

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To

1.The District Collector,
Tirupur District Collectorate,
Palladam Road,
Tirupur - 641 605.

2.The Executive Engineer,
Tamil Nadu Water and Drainage Board,
No.5 (1), 2nd Floor, 2nd Cross Street,
Odakkadu, College Road,
Tirupur District - 641 602.

3.The Block Development Officer,
Tirupur Union Office,
Tirupur North Taluk,
Tirupur - 641 601.

4.The President,
Vallipuram Panchayat,
Avinasi Taluk,
Tirupur District - 638103.

+1cc to M/s.G.Ethirajulu, Advocate Sr.No.32096

W.P.No.14057 of 2022

PMK(CO)
RVM(17/06/2022)