

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.15438 of 2022

P.Kavitha

...Petitioner

Vs.

1. The Authorized Officer & Special District
Revenue Officer (L.A.)

NH No.67 & 45C,
Nagapattinam to Thanjavur Division-Unit II,
Tamil Nagar,
Mannai Road, Vilamal,
Thiruvarur Taluk.

2. The Project Director & Deputy General Manager,
National Highways Authority of India (NHAI),
State Bank Colony,
Medical College Road,
Nadarajapuram, Thanjavur.

...Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 30.03.2022 and disburse the compensation amount payable to the petitioner in respect of the additional acquisition of the land belonging to the petitioner comprised in R.S.No.56/2C Thandalai Village, Thiruvarur Taluk & Thiruvarur District forthwith.

For Petitioner : M/S.K.S.Viswanathan

For Respondents: Mr.P.Sathish
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the respondents to consider the representation of the petitioner, dated 30.03.2022 and disburse the compensation amount payable to the petitioner in respect of the additional acquisition of the land belonging to the petitioner, comprised in R.S.No.56/2C Thandalai Village,

Thiruvarur Taluk & Thiruvarur District forthwith.

2. The case of the petitioner is that the petitioner's husband and his brother, namely Manickam Pillai, are the joint owners of the property in Survey No.56/2, Thandalai Village, Tiruvarur Taluk. Further, the petitioner's father had executed a Will, dated 23.02.1990 in favour of his sons, and joint Patta was also issued by the Competent Authority. Subsequently, the petitioner's husband had executed a Settlement Deed, dated 29.04.2016, settling 0.03.5 ares in favour of his wife, the petitioner herein, vide Document No.2233/2016, on the file of Sub Registrar Office, Tiruvarur and retained 119.17 sq.mts with him. Based on the Settlement Deed, the land was sub-divided and Patta No.2338 was also been issued in the name of the petitioner in S.No.56/2C2, comprising an extent of 2.53 ares. While so, the Highways Department originally acquired 120 sq.mtrs. for the purpose of extension of NH 67 at R.S.No.56/2C. Out of this acquisition, the land of the legal heirs of the said Manickam Pillai, ad-measuring an extent of 20 sq.mtrs., was acquired in the same Survey Number in joint Patta. It is pertinent to note that the said Manickam Pillai's legal heirs are entitled for only 1/5th share in the compensation amount for the acquisition of land. However, 50% of the compensation amount has been set apart wrongly by the Highways Department. Thereafter, by Notification dated 11.05.2020, additional land was also acquired by the Government in S.No.56/2C, which belongs to the petitioner. After acquisition of the said lands, the respondents have not disbursed the compensation amount to the petitioner. Therefore, the petitioner made a representation dated 30.03.2022, seeking compensation amount for acquisition of the petitioner's land in R.S.No.56/2C at Thandalai Village. As the said representation made by the petitioner evoked no response from the respondents, the petitioner has filed the present Writ Petition.

3.Though very many grounds have been raised in this Writ Petition, the learned counsel for the petitioner submitted that, it would suffice, if this Court, issues direction to the respondents to consider the petitioner's representation dated 30.03.2022 and pass orders on the same within a particular time frame that may be fixed by this Court.

4.The learned Additional Government Pleader appearing for the respondents has no objection for the said order being passed.

5.In view of the aforesaid submissions, this Court, without expressing any opinion on the merits of the case, directs the respondents to consider the petitioner's representation dated 30.03.2022 and pass appropriate orders on merits and in

accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above observations and directions, this Writ Petition is disposed of. No costs.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

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To

1. The Authorized Officer & Special District
Revenue Officer (L.A.)
NH No.67 & 45C,
Nagapattinam to Thanjavur Division-Unit II,
Tamil Nagar,
Mannai Road, Vilamal,
Thiruvarur Taluk.
2. The Project Director & Deputy General Manager,
National Highways Authority of India (NHAI),
State Bank Colony,
Medical College Road,
Nadarajapuram, Thanjavur.

+1cc to Mr.K.S.Viswanathan, Advocate, S.R.No.38342

+1cc to the Government Pleader, S.R.No.38971

W.P. No.15438 of 2022

(CO)
RGA(12/07/2022)