



W.P.(MD).No.8915 of 2012

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.07.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

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Vasudevan

... Petitioner

Vs.

1.The District Collector,
Karur District,
Karur.

2.The Competent Authority/District Revenue Officer,
National Highways Authority of India,
Office of the District Collector,
Karur.

3.The Project Director,
National Highways Authority of India,
No.10, Kamathenu Nagar,
Vengamedu,
Karur-6.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned award passed by the second respondent in his proceedings No.Rc.12258/2009 (L.A.N.H-67)



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dated 29.05.2009 and quash the same so far as the petitioner is concerned not paying compensation and consequently direct the second and third respondents to pay compensation to the Petitioner within the time stipulated fixed by this Court.

For Petitioner : Mr.P.Murugesan

For Respondent : Mr.D.Sasi Kumar
Additional Government Pleader
for R1 and R2
No Appearance
for R3

ORDER

The present writ petition has been filed challenging an award passed in the land acquisition proceedings under the National Highways Act, 1956.

2. According to the learned counsel for the petitioner though Survey No.655 has been classified as Mandhai Poromboke, they are in possession of the said survey number for more than 40 years. Hence, they are entitled to a compensation for the lands being acquired by the Highways Department. The petitioner has produced a document, which is



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said to have been issued by the Tahsildar indicating that the mother of the petitioner is in possession of a Survey No.655. The petitioner has also produced water tax receipts, dated 23.03.2009 and house tax receipts for Door No.2/34. He has also produced electricity bills, dated 09.08.2010. The petitioner has not been considered for grant of compensation of the acquisition of the house property. Hence, he prayed for setting aside of the award and grant compensation to the writ petitioner.

3. Per contra, the learned counsel for the respondent contended that out of 409 square meters, 8 houses were available in 300 square meters and the rest of 109 square meters has been classified as pathway. Those eight persons have already been granted compensation by the Highways authorities and the petitioner has not filed any document, whatsoever to establish his possession over the disputed survey number. Unless he proves his possession over the said survey number, the question of granting compensation would not arise at all.



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4. The learned Government Pleader also disputed a validity of the possession certificate and other documents. He further contended that all the documents produced on the side of the petitioner would only relate to some other property of the petitioner and they do not relate to any house property said to be located in Survey No.655. He further contended that under the impugned order, the compensations has been granted to so many persons. Setting aside of the award would cause a great prejudice to the beneficiaries of the award. Hence, he prayed for dismissal of the writ petition.

5. I have carefully considered the submissions made on either side.

6. The Survey No.655 is admittedly classified as a Mandhai Poromboke, which naturally vests with the Government. The petitioner would not be entitled to claim any compensation for the land. However, if the petitioner is able to prove that he has put up construction therein, he will be entitled to compensation for the said super structure alone. From the records, we could not see that the petitioner was not called for any enquiry during award proceedings. The petitioner has submitted a



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shall dispose of the said request of the petitioner within
a period of twelve (12) weeks from the date of receipt
of copy of the application by the petitioner.

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

07.07.2022

Index : Yes / No
Internet : Yes / No
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To

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- 2.The Competent Authority/District Revenue Officer,
National Highways Authority of India,
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R.VIJAYAKUMAR ,J.

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Order made in
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