



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2022

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) .No.1357 of 2022

1.N.Selvam

2.N.Marimuthu

3.Palaniammal

4.Meenakshi

... Petitioners

Vs.

1.The District Collector,
Trichy,
Trichy District.

2.The District Revenue Officer,
Trichy,
Trichy District.

3.N.Muthaian

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, by directing the first and second respondents to pay the compensation to the petitioners for their respective undivided shares for the land acquisition to an extent of 22 ½ Cents (0.09.10 Hectare) out of 1 Acre 16 Cents in S.F.No.523/2 of Kulathur Village, Srirangam Taluk, Trichy District, for laying Double Track Broad-Gauge Railway Line from Viluppuram to Dindigul, under the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997, within time frame.

For Petitioners : Mr.Ramanathan

For R-1 and R-2 : Mr.D.Ghandiraj,
Special Government Pleader



ORDER

Heard Mr.Ramanathan, learned counsel for the petitioner and Mr.D.Ghandiraj, learned Special Government Pleader who takes notice for the first and second respondents.

2. In view of the nature of the order passed, I am not issuing notice to the third respondent.

3. The entire issue surrounds the nanja land measuring 1.16 acres in S.F.No.523/2 in Kulathur Village, Srirangam Taluk, Trichy District. It had been purchased by the petitioners / the third respondent by a registered sale deed on 13.07.1980. Thereafter, there had been various encumbrances within the family over the said property.

4. Finally, since the property was adjacent to Trichy, Madurai Railway Track, 22 ½ cents out of total 1.16 acres had been acquired by the Government to form a Railway Track from Villupuram to Dindigul District. Acquisition proceedings had been initiated under Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997.

5. Notices were issued. Proceedings commenced and the compensation amount had also been decided and arrived at. Now the issue is with respect to payment of compensation. According to the learned counsel for the petitioners, it has to be apportioned among the petitioners and the third respondent. However, it is the grievance that the third respondent being an eldest member of the family claims that the entire compensation should be paid to him. In this connection, a representation had been given on 10.12.2021 and an earlier representation on 12.04.2021.

6. Let the first respondent, while deciding to disburse compensation, examine the representations given, issue notice to the petitioners and also to the third respondent and if it is possible apportion the compensation and pay to the respective legally entitled parties. If it is not so, further steps in accordance with law may be initiated. I am confident that the first respondent would act in manner known to law and in accordance with the provisions of the aforementioned statute.

7. At any rate, the entire exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.



8. With the above observations, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (As)

WEB COPY

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Nsr

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.

To

1.The District Collector,
Trichy,
Trichy District.

2.The District Revenue Officer,
Trichy,
Trichy District.

+1 CC to M/s.SPL.GP (SR-2806[F] dated 28/01/2022)

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MGJ(07.02.2022) 3P 4C