



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2022

CORAM:

THE HONOURABLE **MR. JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.4624 of 2022

WEB COPY

M.Munnamalai

... Petitioner

/Vs./

1. The District Collector,
Madurai District,
Madurai.

2. The Special District Revenue Officer, (LA),
NH-785, 785E & 85 (New),
Flat No.171, 1st Floor,
6th East Street, K.K Nagar,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to take action on the petitioner's representation dated 05.01.2022 in the light of the communication issued by the 1st respondent dated 11.02.2022 within a time frame stipulated by this Court.

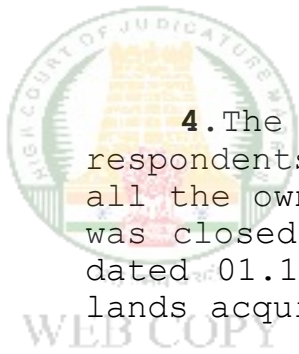
For Petitioner : Mr.Aayiram K.Selvakumar
For Respondents : Mr.T.Ajmal Khan
Government Advocate

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to take action on the petitioner's representation dated 05.01.2022 in the light of the communication issued by the 1st respondent dated 11.02.2022 within a time frame to be fixed by this Court.

2.It is the case of the petitioner that the lands belonging to him and his family members were acquired, which included a well. According to him, though only three percent of the well was acquired by the respondents for the purpose of laying road, the entire well has been closed by the respondents. In such circumstances, he has given a representation on 05.01.2022 seeking for compensation for closure of the well. Since the representation has not been considered till date, he has filed this writ petition.

3.Heard Mr.Aayiram K.Selvakumar, learned Counsel for the writ petitioner and Mr.T.Ajmal Khan, learned Government Advocate, who accepts notice on behalf of the respondents.



4.The learned Government Advocate appearing for the respondents, on instructions, would submit that consent was given by all the owners for closure of the well and only thereafter, the well was closed. He also drew the attention of this Court to the award dated 01.11.2019, under which, compensation was determined for the lands acquired from the petitioner and his family members.

5.As seen from the award, the three owners have given consent for closure of the well and only thereafter, the well was closed. However, it is reiterated by the petitioner that such consent was never given. Therefore, this Court is of the considered view that no prejudice would be caused to the respondents, if the representation of the petitioner dated 05.01.2022 is considered on merits and in accordance with law, after affording a fair hearing to the petitioner and other necessary parties, whom the second respondent deems fit to enquire. The first respondent has also sent a communication to the second respondent on 11.02.2022 requesting the second respondent to look into the representation of the petitioner dated 05.01.2022.

6.Accordingly, this Court directs the first respondent, who is the competent authority, to consider the petitioner's representation dated 05.01.2022 seeking compensation for closure of the well by the second respondent and pass final orders, on merits and in accordance with law, after affording a fair hearing to the petitioner and other necessary parties, whom the first respondent deems fit to enquire, within a period of twelve [12] weeks from the date of receipt of a copy of this order.

7.With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1. The District Collector,
Madurai District,
Madurai.



2. The Special District Revenue Officer, (LA),
NH-785, 785E & 85 (New),
Flat No.171, 1st Floor,
6th East Street, K.K Nagar,
Madurai.

+1 CC to M/s.SPL GP (SR-12995[F] dated 18/03/2022)

order made in

W.P. [MD]No.4624 of 2022

Dated: **16.03.2022**

SB(CO)

TR(28.03.2022) 3P 4C