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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2022

CORAM

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P.(MD)No.4957 of 2022

S.Jagadheesan ... Petitioner

vs.

1.The Revenue Divisional Officer,
O/o.RDO, Tirumangalam, Madurai District.

2.The Project Director,
NHAI Office, 307, Melur Road,
KK Nagar Madurai, Tamil Nadu 625 020.

3.The Special Tashildar (Land Acquisition),
National High Way Scheme, Madurai South.
Presently At, NHAI Office,
307 Melur Road, KK Nagar, Madurai, Tamil Nadu - 625 020.

4.The Thasildar
O/o.Taluk Office, Thiruparankundram,
Madurai District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first respondent to carry out the corrections in all revenue documents including survey sketch / FMB sketch as 0.01.00 sq.meter instead of 0.01.30 sq. meter in Madurai District, Thoppoor Village S.No.100/22A following the recommendation memo dated 24.02.2022 sent by the fourth respondent

For Petitioner :Mr.V.Rajiv Rufus
For R1, R3 and R4 :Mr.B.Saravanan
Additional Government Pleader

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O R D E R

This Writ Petition has been filed for a Mandamus seeking for a direction to the first respondent to carry out corrections in all the revenue documents including survey sketch/FMB sketch as 0.01.00 sq.meter instead of 0.01.30 sq.meter in Madurai District, Thoppoor Village S.No.100/22A following the recommendation memo dated 24.02.2022 sent by the fourth respondent within a time frame to be fixed by this Court.

2.The case of the petitioner is that part of the lands belonging to him were acquired for the purpose of road expansion in

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S.No.100/22, Thoppoor Village, Madurai District and compensation was also paid to the petitioner. After the acquisition, the lands in S.No.100/22 were sub divided as S.No.100/22A, which are the acquired lands and S.No.100/22B, which are retained by the petitioner and which are not the subject matter of the acquisition. However, according to the petitioner, in the survey sketch/FMB sketch, the measurement of the acquired lands is mentioned as 0.01.30 instead of 0.01.00 sq.mt.

3.The petitioner has given many representations requesting the respondents to correct the survey sketch and FMB sketch. The fourth respondent has also by his memo dated 24.02.2022 recommended the case of the petitioner to the first respondent, after coming to a finding that the land measurement in the survey sketch and FMB sketch in respect of the acquired lands is not correct. The petitioner seeks implementation of the memo, dated 24.02.2022 sent by the fourth respondent to the first respondent. According to the petitioner, despite several representations, the memo, dated 24.02.2022 issued by the fourth respondent to the first respondent has not been implemented. In such circumstances, he has filed this Writ Petition.

4.Heard Mr.V.Rajiv Rufus, learned Counsel for the petitioner and Mr.B.Saravanan, learned Additional Government Pleader, who accepts notice on behalf of R1, R3 and R4.

5.Admittedly, a memo has been issued by the fourth respondent on 24.02.2022 based on the petitioner's representations. As per the said memo, the fourth respondent has given a finding that the extent of the lands acquired from the petitioner by the respondents is wrongly mentioned in the survey sketch/FMB sketch and it has to be corrected as 0.01.00 sq.mt., instead of 0.01.30 sq.mt. Though recommendation was sent on 24.02.2022 by the fourth respondent in this regard, the said recommendation has not been implemented by the first respondent till date.

6.No prejudice will be caused to the respondents, if final orders are passed by the first respondent in the light of the recommendation memo, dated 24.02.2022 sent by the fourth respondent referred to supra after affording a fair hearing to the petitioner within a time frame to be fixed by this Court.

7.Accordingly, this Court directs the first respondent to pass final orders on the petitioner's representation in the light of the recommendation memo, dated 24.02.2022 sent by the fourth respondent after affording a fair hearing to the petitioner including granting him the right of personal hearing within a period of eight weeks from the date of receipt of a copy of this order.

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8.With the aforesaid directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-I)

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/ /2022

Sub Assistant Registrar(CS)

cmr

To

1.The Revenue Divisional Officer,
O/o.RDO, Tirumangalam, Madurai District.

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Madurai District.

+1 CC to M/s.SPL GP (SR-13471[F] dated 22/03/2022)

+1 CC to M/s.V.RAJIV RUFUS, Advocate (SR-13599[F] dated 22/03/2022)

Order made in
W.P.(MD)No.4957 of 2022
21.03.2022

ss(CO)
TR(31.03.2022) 3P 7C

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