



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.04.2022

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD) .No.6439 of 2022

S.Ganesan

... Petitioner

Vs.

1.The District Collector,
First Floor, Collectorate,
Madurai.

2.The Revenue Divisional Officer,
Thirumangalam,
Madurai District.

3.The Tahsildar,
Thirumangalam,
Madurai District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the third respondent to allot alternative land to the petitioner to an extent of 2 acres 10 cents in S.No.31/3 situated at Uchapatti Village, Thirumangalam Taluk, Madurai District for the land acquired from the petitioner by the Tamil Nadu Housing Board for the formation of Road measuring 2 acres 10 cents in S.Nos.29/1 and 30/1 situated at Uchapatti Village, Thirumangalam Taluk, Madurai District within a time limit fixed by this Court.

For Petitioner	:	Mr.PT.S.Narendravasan
For Respondents	:	Mr.B.Saravanan, Additional Government Pleader.

ORDER

This Writ Petition has been filed for a Mandamus seeking for a direction to the third respondent to allot alternative land to the petitioner measuring to an extent of 2 acres and 10 cents in Survey No.31/3 situated at Uchapatti Village, Thirumangalam Taluk, Madurai District in place of the land acquired from the petitioner by the Tamil Nadu Housing Board for the formation of road measuring to an extent of 2 acres and 10 cents in Survey Nos.29/1 and 30/1 situated at Uchapatti Village, Thirumangalam Taluk, Madurai District based on



the petitioner's representation dated 12.06.2020 within a time frame to be fixed by this Court.

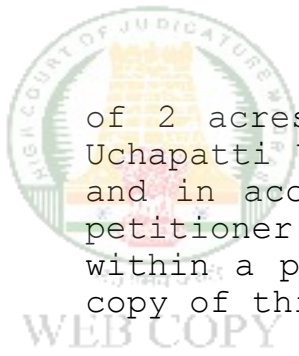
2. According to the petitioner, in the year 2017, the lands belonging to the petitioner measuring to an extent of 2 acres and 10 cents comprised in Survey Nos.29/1 and 30/1 situated at Uchapatti Village, Thirumangalam Taluk, Madurai District was acquired by the Tamil Nadu Housing Board. According to the petitioner, while acquiring the land, an understanding was reached with the petitioner under which the respondents agreed to provide an alternate land measuring to an extent of 2 acres and 10 cents in Survey No.31/3 situated at Uchapatti Village, Thirumangalam Taluk, Madurai District to the petitioner. According to him, by reply dated 10.09.2020 issued by the third respondent, the third respondent has also admitted the understanding that alternate land, as stated supra, will be provided to the petitioner. The petitioner had earlier given a representation on 12.06.2020 and only for the said representation, a reply dated 10.09.2020 was sent by the third respondent. According to the petitioner, till date, alternate land has not been provided to the petitioner as per the understanding. In such circumstances, he has filed this Writ Petition.

3. Heard Mr.PT.S.Narendravasan, learned counsel for the petitioner and Mr.B.Saravanan, learned Additional Government Pleader, who accepts notice on behalf of the respondents.

4. Admittedly, the third respondent has acknowledged the fact that there was an understanding reached with the petitioner that in place of the land acquired from the petitioner for the Tamil Nadu Housing Board, measuring to an extent of 2 acres and 10 cents in Survey Nos.29/1 and 30/1 situated at Uchapatti Village, Thirumangalam Taluk, Madurai District, an alternate land will be given to the petitioner measuring to an extent of 2 acres and 10 cents in Survey No.31/3 situated at Uchapatti Village, Thirumangalam Taluk, Madurai District. The said acknowledgement is reflected in the reply dated 10.09.2020 by the third respondent. Admittedly, till date, no alternate land has been provided to the petitioner.

5. No prejudice would be caused to the respondents, if final orders are passed on the petitioner's representation dated 12.06.2020 seeking for alternate land in terms of the understanding, after affording a fair hearing to the petitioner including granting him the right of personal hearing, within a time frame to be fixed by this Court.

6. Accordingly, this Court directs the third respondent to pass final orders on the petitioner's representation dated 12.06.2020, seeking for alternate land measuring to an extent of 2 acres and 10 cents in Survey No.31/3 situated at Uchapatti Village, Thirumangalam Taluk, Madurai District in place of the land acquired from the



of 2 acres and 10 cents in Survey Nos.29/1 and 30/1 situated at Uchapatti Village, Thirumangalam Taluk, Madurai District, on merits and in accordance with law, after affording a fair hearing to the petitioner including granting him the right of personal hearing, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm

To

1.The District Collector,
First Floor, Collectorate,
Madurai.

2.The Revenue Divisional Officer,
Thirumangalam,
Madurai District.

3.The Tahsildar,
Thirumangalam,
Madurai District.

+1 CC to M/s.PT.S.NARENDRAVASAN, Advocate (SR-17227[F] dated 07/04/2022)

+1 CC to M/s.SPL.GP (SR-17960[F] dated 11/04/2022)

**W.P. (MD) .No.6439 of 2022
07.04.2022**

RD(25.04.2022) 3P 6C