



W.P.(MD)No.13568 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.13568 of 2022

and

W.M.P(MD)No.9657 of 2022

R.Sasikala

... Petitioner

Vs

- 1.The National Highway Authority of India
Represented by its Project Director,
Project Implementation Unit,
No.54, Natarajapuram Colony,
North State Bank Colony Road,
Medical College Road,
Thanjavur – 613 004.
- 2.The District Collector,
Thanjavur,
Thanjavur District.
- 3.The Special District Revenue Officer (Land Acquisition)
National Highways,
NH.45C Vikravandi-Kumbakonam-Thanjavur Section,
Old Collectorate Building,
Tiruchirappalli District.
- 4.The Revenue Divisional Officer,
Thanjavur,
Thanjavur District.



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5.The Special Tahsildar (Land Acquisition) Division – 3,
N.H.45C Vikravandi-Kumbakonam-Thanjavur Section,
Opposite to LIC Building,
Thanjavur,
Thanjavur District.

6.The Tahsildar,
Thanjavur,
Thanjavur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to pay adequate compensation costs to the petitioner for the unlawful dispossession, forcible acquisition and unlawful usage of petitioner's private patta land in Sy.No. 501/146B, Nanjikottai Village, Thanjavur Taluk and District over an extent of 134 Sq.mtrs = 1442.36 Sq.ft. including damages, with adequate costs and interest within a time period to be prescribed by this Court and further direct the respondents to issue patta in the petitioner's individual name for the land in Sy. No.501/146A Nanjikottai Village, Thanjavur Taluk and District for an extent of 89.79 sq.mts = 958 sq.ft forthwith.

For Petitioner : Mr.N.Dilip Kumar

For Respondents : Mrs.J.Padmavathi Devi for R.1

Mr.M.Sarangan
Additional Government Pleader for R.2 to R.6

ORDER

Heard the learned counsel on either side.



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2. Though more than one relief has been sought for in the writ petition, the learned counsel appearing for the petitioner states that he would be satisfied if direction for Patta alone is granted.

3. The petitioner owned the land in Survey No.501/146 in Nanjikottai Village, Thanjavur Taluk and District. A major portion of the writ petitioner's land was acquired under the National Highways Act. Thereafter, Sub division took place. A portion acquired for road purpose was classified as Survey No. 501/146B. The portion remaining with the writ petitioner falls in Survey No. 501/146A. But by oversight Patta was granted for the road portion. Treating the petitioner's retention land as road, Patta was denied. It is a case of double whammy for the writ petitioner. That led to filing of this writ petition.

4. This matter can be set right by the sixth respondent himself. The sixth respondent is directed to issue patta in favour of the writ petitioner in respect of the portion that is remaining with her after acquisition. If the road portion had been treated as a patta land the same shall be rescinded.

5. Thereafter, the Patta shall be issued in favour of the writ petitioner in respect of the property comprised in Survey No.501/146 A. The entire exercise



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shall be completed within a period of eight weeks from the date of receipt of a copy of this order. This writ petition is allowed on these terms. Consequently, connected miscellaneous petition is closed. No costs.

24.08.2022

Index : Yes / No
Internet : Yes/ No
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To

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National Highway Authority of India,
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G.R.SWAMINATHAN, J.

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