



W.P.(MD)No.9090 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :21.12.2022

CORAM

THE HONOURABLE MR.JUSTICE K. KUMARESH BABU

W.P.(MD)No.9090 of 2015

S.Sananda Ganesh

... Petitioner

Vs.

1.The Secretary,
Highways Department,
Secretariat, Chennai-600 009.

2.The Special Tahsildar,
Land Acquisition, National Highways,
Ramanathapuram & Post,
Ramanathapuram District.

3.The Divisional Engineer,
National Highways Department,
Ramanathapuram 623 501.

4.The District Collector,
Collector Office,
Ramanathapuram 623 001,
Ramanathapuram District.

5.The Project Director,
National Highways Authority of India,
No.1, Subramaniya Puram 3rd Street,
Karaikudi-2,
Sivagangai District.

... Respondents

(R5 is impleaded vide Court order dated 19.03.2019 in W.M.P.(MD).No.



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4995 of 2019)

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 2nd respondent to issue lawful compensation to the petitioner considering the representation of the petitioner dated 30.04.2015.

For Petitioner :Mr.T.Murugan
For Respondents :Mr.M.Prakash
Additional Government Pleader for R1 & R4
:Mr.C.Arul Vadivel @ Sekar
Standing Counsel for R2, R3 & R5

ORDER

This writ petition is filed seeking for a mandamus to direct the respondents to pay the lawful compensation to the petitioner considering the representation of the petitioner dated 30.04.2015.

2.The claim of the petitioner is that he is the owner of the land in Survey No.666/1A in Rameshwaram Village, Ramanathapuram Taluk. During the year 1942, a portion of the land measuring an extent of 0.88 cents were acquired and till date they have not given any compensation. Therefore, he had made several representation to the respondents. But,



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however, the same has not been answered by them. Hence, he had sought for a mandamus to direct the respondents to pay the compensation.

3.Mr.C.Arul Vadivel @ Sekar, learned Standing Counsel appearing on behalf of the respondents 2, 3 and 5 would submit that the lands to an extent of 88 cents in Survey No.666/1A, Rameshwaram Village, was acquired from one Sangamwadi Math Gurusitha Swamy, based on the documents that were available a sum of Rs.1819.30 was paid as compensation to the said land.

4.However, the learned counsel appearing for the petitioner had disputed the same by referring to the sale deed dated 16.05.1942, in document No.163 of 1942.

5.The learned Standing Counsel appearing on behalf of the 5th respondent would submit that the land has not been acquired by them and there are not necessary parties to this writ petition.



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6.I am of the considered view that the sale deed is of the year 1942 is making a claim, it would be appropriate that the petitioner is directed to submit a fresh representation to the 4th respondent substantiating his claim along with relevant documents within a period of two weeks from the date of receipt of a copy of this order and the 4th respondent is directed to dispose of such representation filed by the petitioner within a period of eight weeks from the date of receipt of such representation on merits and in accordance with law.

7.With the above direction, this writ petition is disposed of. No costs.

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Index : Yes / No
Speaking Order/Non Speaking Order
sbn



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K.KUMARESH BABU, J.

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