



W.P(MD)No.23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.23164 of 2022

P.Rajagiri

..Petitioner

Vs

1.The District Collector,
Office of the Collector,
Sivagangai District.

2.The Divisional Engineer,
National Highways
Building and Protection
Karaikudi.

3.The Tahsildar,
Sivagangai Taluk Office,
Sivagangai, Sivagangai 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 place the report to complete the enquiry as per the direction of the second respondent in ka.No.CM-HL-90/2021/A3 dated 06.01.2022 to delete the number put by the second respondent in



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the standing trees in respect of the joint patta No.1435 in Survey No.375/1 and consequently remove the above standing tree in the National Highways trees register situated at Pageneri Village, Sivagangai District by considering the petitioner's representation dated 03.01.2022.

For Petitioner

:Mr.S.Rabeek Raja

For R1 to R3

:Mr.D.Sadiq Raja

Additional Government Pleader

ORDER

The Petitioner has filed this Writ Petition seeking a direction to the third respondent to place the report to complete the enquiry as per the direction of the second respondent in Ka.No.CM-HL-90/2021/A3 dated 06.01.2022 to delete the number put by the second respondent in the standing trees in respect of the joint patta No.1435 in Survey No.375/1 and consequently remove the above standing tree in the National Highways trees register situated at Pageneri Village, Sivagangai District by considering the petitioner's representation dated 03.01.2022.

2.Heard Mr.S.Rabeek Raja, learned Counsel appearing for the petitioner, Mr.D.Sadiq Raja, learned Additional Government Pleader appearing for the respondents.



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3.The learned counsel appearing for the petitioner would submit that originally, the petitioner's father name is Pillapan and his mother's name is Sivakami. He was adopted with the consent of his natural parents by Palaniyappan @ Subbiah and his wife Valliyammai @ Ramayi through registered adopted deed in document no.4-15/1986 dated 10.01.1986. From the day onwards, he is in custody and care of the said Palaniyappan @ Subbiah and his wife Valliyammai @ Ramayi. In the said circumstances, his father Palaniyappan was died on 20.12.1988 and his mother Valliyammai @ Ramayi was died on 26.09.1995 except him, no other legal heirs is to his parents. He has filed a suit in O.S.No.66 of 2021 before the District Munsif Court, Sivagangai District to declare that he is the legal heir of the said Palaniyappan and the same was allowed and declared him as the legal heir of the said Palaniyappan, S/o.Athinamilagi. The property in survey No.375/1 is an total extent of 9 acres and 89 cents in which his father Palaniyappan have 5 acres and 40 cents of lands and he is in peaceful possession and enjoyment of the property. In the said circumstances, at the period of the father road was laid on to the center of the said lands in order to connect Kallal to Paganeri Village. The said road was laid of 300 meters length and 4 meter of width and the same also reflected in the FMB sketch. After that, the said road was taken under the control of 2nd respondent and it was converted as District Miscellaneous road, the said lands of Paganeri Village of Sivagangai District was acquired without



following any procedure contemplated under the provision of Right to Fair compensation and Transparency in land Acquisition, Rehabilitation and Resettlement Act, 2013. The official failed to provide any intimation to him which was mandatory by the provision of Right to Fair Compensation and Transparency in land Acquisition, Rehabilitation and Resettlement Act, 2013 the acquisition of his land and lay of road that infringes his right under the property. In the meantime, the second respondent put number on the standing trees in survey No.375/1 that it belongs to them. Therefore, the petitioner has made a representation to the first respondent to take steps in this matter, based on his representation, the first respondent directs the second respondent to look into the matter, after that, the second respondent, through his communication dated 03.01.2022 seeking direction to the third respondent to survey the land and place the report to take action in that matter, after that the matter was left unattended. It is the statutory duty of the respondents to delete the number put by the second respondent in the standing trees in respect of the joint patta No.1435 in Survey No.375/1 and consequently remove the above standing tree in the National District by considering his representation, dated 03.01.2022. Since, no action has been taken, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.



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4.The learned Additional Government Pleader appearing for the respondents would submit that appropriate direction may be given to the respondents to consider the petitioner's representation in accordance with law, within a time frame.

5. Considering the limited scope of the prayer sought for by the petitioner, without going into the merits of the matter, this Court directs the respondents to consider the petitioner's representation dated 03.01.2022 and delete the numbers put by the second respondent in the standing trees in respect of the joint patta No.1435 in Survey No.375/1 and also remove the above standing tree in the National Highways trees register situated at Pageneri Village, Sivagangai District and pass orders, within a period of eight (8) weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition stands disposed of. No costs.

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V.BHAVANI SUBBAROYAN, J.

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