



W.P.(MD)No.26217 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.11.2022

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THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

W/.P. (MD) No.26217 of 2022
and
W.M.P.(MD)No.20393 of 2022

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.. Petitioner

Vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Land Acquisition Officer /District Revenue Officer,
Ramanathapuram,
Ramanathapuram District.

3.The Divisional Engineer,
Highways Department (Construction and Maintenance),
Ramanathapuram,
Ramanathapuram District.

4.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.

5.The Thasildar,
Paramakudi,
Ramanathapuram District.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents to lay the road in Survey No.238/3A situated at Kallikudi Group Paramakudi Taluk,



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Ramanathapuram District within the land acquired vide proceedings dated 31.10.2020 in Na.Ka.No.P1/62922/2013 on the file of the second respondent by considering the representation dated 08.11.2022.

For Petitioner : Mr.C.Senthil Murugan

For Respondents : Mr.A.Kannan

Additional Government Pleader

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the respondents to lay the road in Survey No.238/3A situated at Kallikudi Group Paramakudi Taluk, Ramanathapuram District within the land acquired vide proceedings dated 31.10.2020 in Na.Ka.No.P1/62922/2013 on the file of the second respondent by considering the representation, dated 08.11.2022.

2.Heard Mr.C.Senthil Murugan, learned counsel for the petitioner and Mr.A.Kannan, learned Additional Government Pleader, who takes notice for the respondents. By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

3.The grievance of the petitioner is that the respondents has laid the bridge besides the land acquired by them for the purpose of laying bye-pass road and they are trying to lay the road in the petitioner's land.



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4. The learned counsel for the petitioner submitted that the petitioner is an agriculturist. The second and third respondents acquired the land in the petitioner's locality including a part of the petitioner's land for laying bye-pass road from NH 87 to NH47. Necessary compensation have also been paid to the petitioner. Now the third respondent deviating from the original plan, constructed the bridge besides the acquired land and tried to lay the road in the petitioner's land. When the petitioner questioned about the same, the third respondent submitted that alternative land will be given to the petitioner. The petitioner is prevented from doing agricultural work in his remaining land. Hence, the petitioner is before this Court.

5. The learned counsel for the petitioner further submitted that the petitioner is not having any objection to lay the road within the acquired land. But the respondents have encroached into the lands, which were not actually acquired by them for laying the road. Therefore, the petitioner made a detailed representation dated 08.11.2022 to the respondents. But the same has not been considered.

6. Per contra, the learned Additional Government Pleader appearing for the respondents submitted that the work is undertaken by the respondents only



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within the acquired land. The petitioner was watching the entire process of work from the beginning and he kept silent till the construction of bridge is over. Now, after the completion of the construction, the petitioner made an objection as if the bridge is constructed besides the acquired land. Further, the respondents have not encroached any piece of land other than the lands that were acquired by them as alleged by the petitioner. To substantiate his submission, he has produced the proceedings of the Assistant Divisional Engineer, Paramakudi dated 21.11.2022. Hence, he seeks to reject the contention of the petitioner.

7. Considering the facts and circumstances of this case, no prejudice would be caused to the respondents, if the petitioner's representation is considered on merits and in accordance with law, after affording a fair hearing to the petitioner, as well as any other necessary party, whom the respondents deem fit to enquire.

8. In view of the above, this Court without expressing any opinion on the merits of the matter, directs the second respondent to consider the petitioner's representation, dated 08.11.2022 on merits and in accordance with law, after issuing notice to the petitioner, as well as any other necessary party, whom the second respondent deems fit to enquire, within a period of eight [8] weeks



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from the date of receipt of a copy of this order. The authorities concerned shall survey and demarcate the petitioner's property by adopting due process of law.

9. With the above directions, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

21.11.2022

Index : Yes/No
Internet : Yes/No
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To

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Ramanathapuram.
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V.BHAVANI SUBBAROYAN, J.

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Order made in
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21.11.2022