



W.P.(MD)No.26577 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.11.2022

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THE HONOURABLE Mrs. JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.26577 of 2022

S.S.N.Vijayan

.. Petitioner

Versus

1.The District Collector,
District Collector Office,
Tenkasi District.

2.The District Revenue Officer (Land Acquisition),
Tamil Nadu Road Development Scheme – II,
Trichy.

3.The Executive Engineer,
State Highway Authority,
South/Metro Power House Road,
Madurai.

4.The Divisional Engineer,
State Highways Authority,
322A, Railway Feeder Road,
Tenkasi.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to consider the petitioner's representation, dated 01.11.2022 and consequently, direct the respondents to pay fair compensation for the land acquisition proceedings by State Highway Project Scheme-II, in Survey No.423/2B (0.09.95) Hectare at Alangulam Main Road, Tenkasi District.



W.P.(MD)No.26577 of 2022

For Petitioner : Mr.D.Selvam
For Respondents : Mr.A.Kannan
Additional Government Pleader

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to consider his representation, dated 01.11.2022 and consequently, direct the respondents to pay fair compensation for the land acquisition proceedings by State Highway Project Scheme-II, in Survey No. 423/2B (0.09.95) Hectare at Alangulam Main Road, Tenkasi District.

2. Heard Mr.D.Selvam, learned counsel appearing for the petitioner and Mr.A.Kannan, learned Additional Government Pleader, who takes notice for the respondents. By consent of both sides, the Writ Petition is taken up for final disposal at the admission stage itself.

3. According to the learned counsel for the petitioner, originally, the property in question belonged to the petitioner's father namely, Nainar Nadar. Later, it was partitioned among the legal heirs and subsequently, all the revenue records such as, Patta, bearing No.661 and Chitta in the respect of the property in S.No.423/2B, situated at Alangulam Main Road, Tenkasi, measuring an extent of 0.09.95 Hectare, were transferred to the name of the



W.P.(MD)No.26577 of 2022

petitioner. While the things stood thus, the lands situated in Alangulam Village were acquired under the State Highways Project Scheme-II for extension of Highway, connecting Tirunelveli – Shencottai – Kollam Road, and the same was published in the daily newspaper, namely, The Indian Express, Madurai Edition, on 04.01.2015, wherein the petitioner's property was also listed at S.No.79. After initiating the land acquisition proceedings, the authorities concerned have not taken any steps to inspect the property in question for acquisition and the petitioner has not received any communication regarding land acquisition proceedings by the State Highways Authority.

4. Further, according to the learned counsel for the petitioner, the petitioner had already invested and developed his Hardware Shop namely, SSN Agency and peacefully running the said shop in the property in question. Now, all of a sudden, without any notice, in the month of October, 2022, a team of officials from the fourth respondent Office came to the petitioner's shop and advised the petitioner to vacate the property. Thereafter, on 01.11.2022, the petitioner sent a representation to the respondents 1, 2 and 4, requesting them to pay the fair compensation based on the market value of the said land. Subsequently, the petitioner submitted a representation dated 07.11.2022, to the fourth respondent and the same has been forwarded to the second respondent. However, the second respondent has not taken any steps



W.P.(MD)No.26577 of 2022

to consider the representation of the petitioner. Hence, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.

5. The learned counsel appearing for the petitioner submitted that the petitioner is willing to give the property in question to the Government on condition that he should be given a fair compensation as the procedure established under law.

6. The learned Additional Government Pleader appearing for the respondents submitted that the petitioner's representation dated 01.11.2022, would be considered and appropriate orders for payment of fair compensation would be passed, within a time frame.

7. Recording the aforesaid submissions made by the learned counsel on either side, this Court directs the respondents to consider the representation of the petitioner, dated 01.11.2022, and pass appropriate orders for payment of fair compensation, within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that appropriate procedure to be followed by the authorities concerned while entering into the property of the petitioner.



W.P.(MD)No.26577 of 2022

8. This Writ Petition stands disposed of with the above direction. No costs.

Index : Yes/No
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W.P.(MD)No.26577 of 2022

V.BHAVANI SUBBAROYAN, J.

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Order made in
W.P.(MD)No.26577 of 2022

25.11.2022