



WEB COPY



W.P.No.28795 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.28795 of 2023

M.Subramaniam

...

Petitioner

/vs/

1.The District Collector,
Namakkal, Namakkal District.

2.The Assistant Divisional Engineer,
Construction and Maintenance,
Highways Department,
Senthamangalam, Namakkal District.

3.The Thasildhar,
Senthamangalam Taluk,
Namakkal District.

...

Respondents

PRAYER : The writ petition has been filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the 1 and 2 respondents to consider the petitioner's representation dated 28.08.2023 and thereby direct the respondents 1 and 2 to follow the procedure of Land Acquisition and to give compensation for acquisition of the patta land situated in Survey No.509/7A and 7B, Thirumalaipatti Village, Senthamangalam Taluk, Namakkal District.

For Petitioner

...

Mr.B.Gopalakrishnan

For Respondents

...

Mr.V.Veluchamy
Additional Government Pleader



W.P.No.28795 of 2023

ORDER

WEB COPY The writ petition has been filed to issue a Writ of Mandamus directing the 1 and 2 respondents to consider the petitioner's representation dated 28.08.2023 and thereby direct the respondents 1 and 2 to follow the procedures of Land Acquisition and to give compensation for acquisition of the patta land situated in Survey Nos.509/7A and 7B, Thirumalaipatti Village, Senthamangalam Taluk, Namakkal District.

2.According to the petitioner, Survey Nos.506/7A and 506/7B belong to the petitioner and in order to show the ownership, he has also produced patta No.840, in which, the name of the petitioner has been mentioned and also that the properties belong to their family, for which also, he had produced partition deed dated 13.06.1990. Without observing the due process of law, the respondents tried to acquire the land for widening the Road. Therefore, the petitioner had made a representation dated 28.08.2023, but so far, the respondents have not given any response. Therefore, he has filed the present writ petition for considering his representation dated 28.08.2023.



W.P.No.28795 of 2023

WEB COPY

3.The respondents have filed their counter affidavit stating that the pathway lands located in Survey No.509/7A will be utilized for widening of Road by the Highways Department and the Road work has also not touched in Survey No.509/7B. However, the learned Additional Government Pleader appearing for the respondents submits that it is only a pathway and it belongs to the Government.

4.I have considered the matter in the light of the submissions made by the learned counsel for the petitioner as well as the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

5.The order of this Court dated 18.10.2023 has been complied with. In support of the same, the learned Additional Government Pleader filed the receipt for payment of costs along with the memo and the same is recorded.



W.P.No.28795 of 2023

6.Considering the document produced by the petitioner and also the patta issued by the Revenue Authority in Survey No.509/7A in the name of the petitioner and their family members, which shows that it is a patta land, this Court directs the respondents to consider the representation made by the petitioner dated 28.08.2023 and pass appropriate orders, on merits and in accordance with law, by issuing notice to the petitioner and rival claimants if any and also give an opportunity to them, within a period of two months from the date of receipt of a copy of this order.

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

Index : Yes/No

08.11.2023

Speaking Order : Yes/No

Neutral Case Citation: Yes/No

sms

To

1.The District Collector,
Namakkal, Namakkal District.

2.The Assistant Divisional Engineer,
Construction and Maintenance,
Highways Department,
Senthamangalam, Namakkal District.

3.The Thasildhar,
Senthamangalam Taluk,
Namakkal District.



WEB COPY



W.P.No.28795 of 2023

P.VELMURUGAN,J.

sms

W.P.No.28795 of 2023

08.11.2023