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W.P.No.31468 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **28.11.2023**

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.31468 of 2023

and

W.M.P. No.31088 & 31089 of 2023

1.Palaniammal
2.Jeyakumar
3.Eswari

... Petitioners

Versus

1.The District Collector,
Tiruppur District, Tiruppur.

2.The Land Acquisition Officer cum
District Revenue Officer,
Thiruppur District.

3.The Tahsildar,
Tiruppur North,
Tiruppur District.

4.The Junior Engineer,
(Highways Department)
Construction and Maintenance,
Tiruppur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari call for the records of the 4th respondent in Ku.Na.Valarmathi Palam/2021/U.Po/dated 13.10.2023 and quash the same.



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For Petitioners : Mr. S.N. Subramani

For Respondents : Mr. P.Gurunathan,
Additional Government Pleader

ORDER

The Writ Petition has been filed challenging the notice issued by the fourth respondent dated 13.10.2023 and quash the same. Since S.No.110/2, Block No.28 of an extent of 56.20 sq.mtr., has already been acquired by the fourth respondent, the said notice was issued to the petitioners herein to vacate the building in question.

2. It is the case of the petitioners that they are the legal heirs of one Mr.Muthusamy. He, along with one Mr.Petchiannan purchased the land of an extent of 288 3/4 sq.ft and building from one Mr.Chenniappan, vide Doc.No.251/1976 dated 11.2.1976. Thereafter, the said Mr.Petchiannan executed a release deed in favour of the said Mr.Muthusamy. Further, the first petitioner purchased a house property ad-measuring about 288-3/4 sq.ft., from one Mr.R.Chenniappan, vide Doc.No.252/1976 dated 11.02.1976. After the demise of the said Mr.Muthusamy, his legal heirs, namely the petitioners and one



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Mrs.Periyammal - his mother inherited the property. Subsequently, the said Mrs.Periyammal executed a release deed, registered as Doc.No.882/2001 dated 19.12.2001 in favour of the petitioners. After the demise of the said Mrs.Periyammal, the entire 579 sq.ft., were in possession and enjoyment of the petitioners. While so, without giving an opportunity to raise any objection, the respondents acquired the petitioners' property and the Land Acquisition Officer cum District Revenue Officer passed Award No.1 of 2020, dated 14.08.2020. The Award amount was deposited before the Principal District Court, Tiruppur District in O.P.No.41 of 2021. Thereafter, the Land Acquisition Officer-cum-District Revenue Officer had passed the impugned proceedings dated 10.11.2022 stating that the petitioners' property is not in S.No.110, but it is in S.No.111, that the said S.No.111 land has been classified as "Government Promboke" and that no compensation could be granted in respect of S.No.111. Hence the present Writ Petition.

3. The learned counsel for the petitioners submitted that, earlier the petitioners filed W.P.No.15609 of 2020, in which, by order dated 11.01.2022, this Court directed the respondents to consider the petitioners'



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representation dated 11.09.2020 and after issuance of notice to all the parties and after giving an opportunity of hearing to both the parties, pass orders in accordance with law, within a period of six weeks from the date of receipt of a copy of that order. Based on the order dated 11.01.2022, the petitioners were called for enquiry on 11.05.2022, by the District Revenue Officer, Tiruppur. After the enquiry was conducted, orders were passed by the second respondent, holding that the petitioners' house is situated in Town Survey No.111 and not in S.No.110, and that S.No.111 is situated in Government Promboke land, for which, the compensation could not be claimed.

3. Challenging the said order dated 10.11.2022 passed by the District Revenue Officer, Tiruppur District, W.P.No.4083 of 2023 was filed by the petitioners herein, seeking a direction to the respondents to disburse award amount to them, and the same is also disposed of today by this Court.

4. It is the contention of the petitioners that though the petitioners produced all the documents, Patta was also issued by the third respondent,



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but still, the District Revenue Officer has erroneously passed the said order dated 10.11.2022 holding that S.No.110 does not belong to the petitioners and the petitioners' house is situated in T.S.No.111, which is a Government Promoke land. However, the fourth respondent passed the impugned order dated 13.10.2023 stating that the petitioners' building is in S.No.110 and notice was issued by the fourth respondent to hand over the said property which is under challenge.

5. The only grievance of the petitioners is that though the petitioners' property is acquired, so far, compensation has not been paid. Even if they approach the Civil Court, since the District Revenue Officer passed the order dated 10.11.2022 stating that the petitioners' building situated in T.S.No.111, which is a Government Promoke land, they will not be in a position to get the compensation. Therefore, the petitioners filed the present Writ Petitions challenging the impugned notice dated 13.10.2023 issued by the fourth respondent.

6. The petitioners also produced certain documents from the year 1976, in which, Old S.F.No.631/2 finds a place. Subsequently, the Town



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Sub-Inspector of Survey, Tiruppur had given a corelation statement with respect to S.Nos.110 and 111. However, the District Revenue Officer passed order dated 10.11.2022 otherwise. The District Revenue Officer stated that though the petitioners produced the documents relating to S.No.110, as per the report of the Tahsildhar, Tiruppur North, it is seen that the building belongs to the petitioners, which is situated only in Town S.No.111 and not under S.No.110, that S.No.111 is only a Government Promboke land and that the petitioners could not get compensation.

7. The learned Additional Government Pleader appearing for the respondents has submitted that the amount awarded in respect of the land in S.No.110 had been deposited before the Civil Court and now the award amount is lying in the Civil Court. The petitioners are at liberty to approach the Civil Court by filing a claim application before the Civil Court. The Civil Court is directed to conduct enquiry and decide the title and if the petitioners are otherwise eligible, they can get remedy from the Civil Court.



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8. With the above directions, the Writ Petition is dismissed. No costs. Consequently, the connected W.M.P.No.31089 of 2023 is also closed.

9. Accordingly, W.M.P.No.31088 of 2023 filed to permit the petitioners to join together and file a single writ petition, is ordered on payment of separate Court fee by each of the petitioners.

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(1/2)

Index : Yes/No
Speaking order : Yes/No
Neutral Case Citation : Yes/No

To:

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P. VELMURUGAN, J.

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