



W.A.No.195 of 2021

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.195 of 2021

1. The District Collector
Dharmapuri District
Dharmapuri.
2. The Assistant Director of Panchayat
Dharmapuri
Dharmapuri District.
3. The Block Development Officer
Nallampalli Panchayat Union
Dharmapuri District.
4. The President/Special Officer
Thadangam Panchayat Union
Dharmapuri District.

.. Appellants

Vs.

1. G.Angappan
2. Jeyamani

.. Respondents



W.A.No.195 of 2021

WEB COPY

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 31.01.2018 made in W.P.No.16695 of 2017.

For the Appellants : Mrs.R.Anitha
Special Government Pleader

For the Respondents : Mr.C.Prabhakaran
Senior Counsel
For Mr.M.Sivakumar

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mrs.R.Anitha, learned Special Government Pleader for the appellants and Mr.C.Prabhakaran, learned Senior Counsel for Mr.M.Sivakumar, learned counsel for the respondents.

2. The present respondents had filed a writ petition seeking compensation in respect of the land acquired for road.

3. The learned Single Judge allowed the said writ petition. Aggrieved thereby, the present appeal by the State.



W.A.No.195 of 2021

WEB COPY

4. Learned Special Government Pleader submits that the original writ petitioners had filed a civil suit. The civil suit was dismissed. The original writ petitioners filed an appeal bearing A.S.No.26 of 2011. The Appellate Court, while partly allowing the appeal, specifically held that the original writ petitioners are not entitled to declaration in respect of the land acquired in Poosthithi pathai. In view of the said decision, the learned Single Judge could not have passed the order.

5. There is no dispute that the land is owned by the writ petitioners. Poosthithi pathai is in the land of the writ petitioners. Now, the Government has laid a concrete road. Certainly, the Government is expected to compensate the individual. The learned Single Judge has rightly considered the said aspect. The State, as a welfare State, ought to pay compensation to the citizen whose land is being taken over by the Government for public purpose.

6. The learned Single Judge has not committed any error



W.A.No.195 of 2021

WEB COPY

while passing the order. Accordingly, the writ appeal is dismissed.

There will be no order as to costs. Consequently, C.M.P.No.909 of 2021 is also dismissed.

(S.V.G., CJ.)

(D.B.C., J.)

01.11.2023

Index : Yes/No

Neutral Citation : Yes/No

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W.A.No.195 of 2021

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W.A.No.195 of 2021

01.11.2023