



W.P.(MD)No.1376 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.10.2023

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THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.(MD)No.1376 of 2021

and

W.M.P.(MD)No.1176 of 2021

B.Poongodi

.. Petitioner

Versus

- 1.The District Collector,
District Collectorate, Ramanathapuram,
Ramanathapuram District.
- 2.The Regional Manager,
Tamilnadu Civil Supplies Corporation,
Collectorate Master Plan Complex,
Ramanathapuram District.
- 3.The Revenue Divisional Officer,
O/o. the Revenue Divisional Officer,
Mani Nagar, Paramakudi Taluk,
Ramanathapuram District.
- 4.The Thasildhar,
Paramakudi Taluk, Ramanathapuram District.
- 5.The Surveyor,
Paramakudi Taluk, Ramanathapuram District.
- 6.The Block Development Officer,
Bogalur, Paramakudi Taluk,
Ramanathapuram District.



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7. The Secretary,
RS.736, Paramakudi Agricultural Producers
Co-Operative Marketing, Society Ltd.,
Saraswathi Nagar, Paramakudi,
Ramanathapuram District.

8. The Village Administrative Officer,
Ayirakudi Village, Paramakudi Taluk,
Ramanathapuram District.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents 2 to 7 herein from putting up any construction in the petitioner's property at Survey No. 198/3B2A, at Ariyakudi Village Paramakudi Taluk, Ramanathapuram District, without acquiring the petitioner's property by way of initiating acquisition proceedings and notifying the petitioner's property.

For Petitioner : Mr.S.Rajasekar

For R1 and R3 to R8 : Mr.K.S.Selvaganesan
Additional Government Pleader

For R2 : Mr.G.Mohankumar
Standing Counsel

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, forbearing the respondents 2 to 7 from putting up any construction in the property belonging to the petitioner without acquiring the same in the manner known to law.



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2. The specific case of the petitioner is that she is the owner of total extent of 4.25 cents in the subject property, situated at Survey No.198/3B2A.

The petitioner gifted to the Government of Tamil Nadu an extent of 1 cent to enable them to construct a fair price shop. Accordingly, the fair price shop was also functioning till the year 2018. Thereafter, the number of consumers increased and hence, an attempt was made to demolish the existing fair price shop. While undertaking this exercise, the property belonging to the petitioner in the balance extent of 3.25 cents was also damaged. Therefore, the petitioner apprehended that the property belonging to her to an extent of 3.25 cents is also attempted to be taken over by the respondents. It is under these circumstances, the present Writ Petition came to be filed before this Court.

3. When the matter was taken up for hearing today, the learned Additional Government Pleader appearing on behalf of the respondents 1 and 3 to 8 submitted that a survey will be conducted and 1 cent, which was gifted by the petitioner will be separately demarcated and rest of the portion namely, 3.25 cents will not be disturbed and the petitioner can continue to be in possession and enjoyment of the same.

4. The learned counsel for the petitioner submitted that whatever damage has already been caused to the building belonging to the petitioner must be compensated.



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5. In the light of the specific stand taken by the respondents, there shall be a direction to the respondents to run the fair price shop only in the property that was already gifted by the petitioner to an extent of 1 cent. The remaining 3.25 cents shall be in the exclusive possession and enjoyment of the petitioner. If the respondents intend to expand the fair price shop, the property has to be properly acquired from the petitioner by paying compensation and thereafter, it can be put to use. Insofar the compensation claimed by the petitioner for the damages to the property belonging to her, she is granted liberty to independently work out her remedy in accordance with law.

6. This Writ Petition is disposed of in the above terms. No costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes/No
Index : Yes/No
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