



W.P(MD)No.1004 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1004 of 2023

1.J.Abdul Samad Abbas
2.Asha Beevi

... Petitioners

Vs

- 1.The Special District Revenue Officer
(Land Acquisition),
Tamil Nadu Road Project Sector – II,
Tiruchirappalli.
- 2.The Superintending Engineer (Highways),
Tamil Nadu Road Project Sector – II,
Chennai.
- 3.The Divisional Engineer (Highways),
Tamil Nadu Road Project Sector – II,
A-76/1, First Floor,
5th Cross Street,
Maharaja Nagar,
Tirunelveli.
- 4.The Sub Collector,
Cheranmahadevi,
Tirunelveli.
- 5.The Special Tahsildar (Land Acquisition),
Tamil Nadu Road Project Sector – II,
A-76/1, First Floor,



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5th Cross Street,
Maharaja Nagar,
Tirunelveli.

6.The Tahsildar,
Thisayanvilai,
Tirunelveli.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to pay compensation for the excess extent of property measuring an extent of 44.05 cents in which the State Highways - 89 ie. Nanguneri to Uvari Road has been laid in Survey No.81/3, Kumarapuram Village, Thisayanvilai Taluk, Tirunelveli District as the provisions of the Tamil Nadu State Highways Act, 2001 as well as the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and consequently directing the sixth respondent to update the revenue records for Survey No.81/3, Kumarapuram Village, Thisayanvilai Taluk, Tirunelveli District after proper subdivision by considering the petitioner's representation dated 04.08.2022.

For Petitioners : Mr.M.P.Senthil

For Respondents : Mr.M.Lingadurai
Special Government Pleader

ORDER

Heard the learned counsel on either side.

2.The lands belonged to the petitioners had been acquired for laying road. The petitioners want appropriate compensation to be paid. Counter affidavit has been filed. Paragraph Nos.9 and 11 of the counter read as follows:



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“9) It is submitted that at the time of passing of awards there was no sub divisions in S.F.No.81/3 in 'Tamil Nilam' website. So while acquiring the land we have sub divided the S.F.No.81/3, as 81/3A, 81/3B and 81/3C and kept 81/3A and 81/3C to pattadar and 81/3B (561 sq.m) acquired for road. So the sub-Collector Cheranmahadevi was requested to make changes in 'Tamil Nilam' website and action is being taken to cancel the sub divisions made as 81/3A, 3B, 3C and incorporate the changes made in Natham settlement as S.F.No. 81/3A with an extent of 0.01.10 Hec and, S.F.No.81/3B with an extent of 1.46.90 Hec., in 'Tamil Nilam' website as well as in village accounts.

10)

11) It is submitted that, the Divisional Engineer, TNRSP-II, Tirunelveli has sent revised LPS for 2900 sq.mt. Out of this already compensation amount paid for 516 sq.mt to the pattadar. So the compensation for the remaining extent for 2384 sq.m to be paid to the pattadar after observing usual formalities under Tamil Nadu Highways Act, 2001 which will take some more time for processng. This fact has been informed to the petitioners.”

3.Recording the aforesaid submission, I direct the first respondent to disburse the compensation amount payable to the petitioner within a period of six months from the date of receipt of a copy of this order. The jurisdictional revenue authorities are directed to make necessary sub divisioning in the



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revenue records and issue a revised patta in favour of the petitioners. If the petitioner is still aggrieved, it is open to the petitioner to avail the other remedies provided under law.

4. This writ petition is allowed. There shall be no order as to costs.

22.02.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

To

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G.R.SWAMINATHAN, J.

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