



W.P.(MD)No.4757 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.4757 of 2021

N.Vasanthakumar

... Petitioner

Vs.

1.The Project Director,
NH 338, National Highway Authority of India,
Regional Office, Madurai,
Vijay Krishna Plaza, No.1, Lake Area,
Melur Main Road, Mattuthavani,
Madurai-625 107.

2.The Competent Authority/
and District Revenue Officer,
District Collector Office,
Madurai.

3.The Special Tahsildar for Land Acquisition,
National Highway Authority of India,
NH 338, No.334/5D-1B,
Muthamil Nagar,
Alagar Kovil Road,
Melur, Madurai-625 106.

4.Ramalakshmi

...Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, to direct the respondents 1 to 3 to



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conduct detailed, proper, fair enquiry on petitioner's representation dated 18.05.2020 and 04.12.2020 in respect of fraudulent claim for compensation made by the fourth respondent and recover the same from the fourth respondent.

For Petitioner : Mr.J.Karthikeyan
For R2 & R3 : Mr.A.K.Manikkam
Special Government Pleader
For R1 : Mr.S.Sankarapandian
for M/s.Arulvadivel Associates
For R4 : Mr.A.Prasanna Rajadurai

ORDER

This writ petition has been filed for the issue of writ of mandamus directing the respondents 1 to 3 to conduct an enquiry on the representation made by the petitioner with respect to fraudulent claim of compensation made by the fourth respondent and to recover the same from the fourth respondent.

2.The case of the petitioner is that the subject property belonged to the grandfather of the petitioner and after his demise, the father of the petitioner inherited the same. After the demise of petitioner's father in the year 1981, the petitioner became the owner of the property and he is in possession and enjoyment of the same. The grievance of the petitioner is that the fourth respondent, who does not even have a semblance of right over this property,



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managed to get patta in her name and mutated the revenue records. Based on the same, she received the compensation from the National Highways Authority of India for the lands, which were acquired by them. The petitioner gave representation in this regard to conduct an enquiry and to recover the compensation from the fourth respondent. Since the same did not evoke any response, the present writ petition has been filed before this Court.

3.The learned Special Government Pleader appearing on behalf of the second and third respondents submitted that the third respondent had paid the compensation to the fourth respondent, only based on the fact that the name of the fourth respondent was entered in the revenue records. He further submitted that even if an enquiry is made, the fact remains that the patta stands in the name of the fourth respondent. Therefore, till this is reversed, there is no scope for the respondents 2 and 3 to initiate any action against the fourth respondent and to recover the compensation paid to her.

4.Taking into consideration of the facts and circumstances of the case, the relief sought for by the petitioner cannot be granted by this Court. The compensation has been paid to the fourth respondent only based on the fact that the name of the fourth respondent was reflected in the revenue records. If



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according to the petitioner, the fourth respondent had managed to get her name mutated in the revenue records by committing fraud, the said entry in the revenue records must first be reversed and it must be restored to its original position. Without undertaking this exercise, there is no scope for directing the respondents 1 to 3 to get back the compensation from the fourth respondent and pay it to the petitioner. Hence, it is left open to the petitioner to first question the entries made in the revenue records in favour of the fourth respondent and depending upon the result in that proceedings, the petitioner can always approach the authorities seeking for recovering the compensation from the fourth respondent and to pay it to the petitioner. Except this clarification, no further order can be passed in this writ petition.

5.This writ petition is disposed of in the above terms. No costs.

12.10.2023

NCC : Yes / No
Index : Yes/No
Internet : Yes/No
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N.ANAND VENKATESH, J.

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