



W.P(MD)No.4127 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.4127 of 2022

R.Sundara Pandian

... Petitioner

Vs

- 1.The Secretary to the Government,
Rural Development and Panchayat Raj Department,
State of Tamil Nadu,
St.Fort George, Chennai 600 009.
- 2.The District Collector,
Madurai District , Madurai.
- 3.The District Revenue Officer,
Madurai District , Madurai.
- 4.The Tahsildar,
Melur Taluk, Madurai District.
- 5.The Block Development Officer,
Kottampatti Panchayat, Kottampatti,
Melur Taluk, Madurai District.

... Respondents



W.P(MD)No.4127 of 2022

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to pay compensation as per the market value for the acquired land in S.No.589/3B2 for the extend of 31 cents, based on the representation, dated 01.03.2022 within the stipulated period as fixed by this Court.

For Petitioner	: Mr.S.Arunnithy
For R1 to R4	: Mr.N.Muthu Vijayan Special Government Pleader
For R5	: Mr.M.Senthil Ayyanar Standing Counsel

ORDER

The Writ Petition has been filed in the nature of mandamus, seeking a direction to the second respondent/District Collector, Madurai District to pay compensation, as per the market value for the land in S.No. 589/3B2, measuring 31 cents. The petitioner had given a representation on 01.03.2022 in this regard.

2.In the affidavit filed in support of the writ petition, the petitioner claims that he is residing at W9/201, Karunkalakudi Post, Melur Taluk, Madurai District – 625 101, along with his family. He also claims that in the very same village, where he claims to be residing, land in S.No.



W.P(MD)No.4127 of 2022

589/3B2 measuring 31 cents was settled in his favour by his family members, by a settlement deed, dated 25.10.2018 and registered as Doc.No.2289/2018 in the Office of the Sub Registrar, Karungalakudi. The petitioner also claims that the patta was also issued in his name. He also states that it was a shock to him that public road was constructed in his Patta land. He went over to the office of the Village Administrative Officer to examine the revenue records, but they still stand in his name. Therefore, he claims compensation for such usage, since the land in S.No.589/3B2 is being used as a pathway and Panchayat has also put up Road.

3.In the counter affidavit filed by the Block Development Officer, it had been stated that a 8 km length Bituman Road commencing from the Savarapatti Vilakku road at NH 45B-Madurai, Trichy NH Road passing through Savaripatti, Karunkalakudipatti, Perucham Kudipatti, Nellukundampatty and Nattarmangalan Villages of Kottampatti Panchayat Union limit and finally reaching the Singampunari road at the adjoining Sivagangai District is in existence. It is stated that buses are plying and the road is marked as “Detail Market Cart Track” and it serves as a life line for the various villages. The S.No.589/3B2 at Karungalakudi Village is shown as



W.P(MD)No.4127 of 2022

“detail market cart track” in the village map and field map. Therefore, it is stated that track cart was in existence and in public usage for nearly more than nine decades, which passes through various patta fields, including the land of petitioner. The road was upgraded and B.T.Road was laid in the said land. Therefore, there is no obligation to pay compensation.

4.The petitioner claims that he is a resident of village. He is not aware that said road has been used as a pathway. It was shock to him to know that it is used as a pathway. The revenue records are still in the name of the petitioner. However, the respondent deny the particular fact that since that road has been used as a road for more than nine decades and public buses are plying through that particular road. The classification in the revenue record is also made as “detailed market cart track”. The petitioner has lost his title over the land.

5.The petitioner claims title in the strength of settlement deed executed by another family member. If at all he is aggrieved, he has to express his grievance, only against the family member, who had sold the public road in his favour. He is not at all entitled for any compensation. This



W.P(MD)No.4127 of 2022

Court is not prepared to give any relief to the petitioner.

6.Accordingly, this Writ Petition stands dismissed. No costs.

15.03.2023

NCS : Yes/No
Index : Yes / No
Internet: Yes/ No

PNM

To

- 1.The Secretary to the Government,
Rural Development and Panchayat Raj Department,
State of Tamil Nadu,
St.Fort George, Chennai 600 009.
- 2.The District Collector,
Madurai District , Madurai.
- 3.The District Revenue Officer,
Madurai District , Madurai.
- 4.The Tahsildar,
Melur Taluk, Madurai District.
- 5.The Block Development Officer,
Kottampatti Panchayat, Kottampatti,
Melur Taluk, Madurai District.



WEB COPY



W.P(MD)No.4127 of 2022

C.V.KARTHIKEYAN, J.

PNM

ORDER IN
W.P(MD).No.4127 of 2022

15.03.2023