



W.P.(MD) No.5080 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.03.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.5080 of 2020

A.Abdul Rahim

.. Petitioner

Vs.

1.The District Collector,
Theni District,
Theni.

2.The Revenue Divisional Officer,
Periyakulam,
Theni District.

3.The Tahsildar,
Theni Taluk,
Theni District.

4.The Commissioner,
Theni-Allinagaram Municipality,
Theni District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents to pay compensation at the rate of Rs.12,00,000/- per cent towards their illegal encroachment, damage caused to the land belongs to the



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petitioner's family or to hand over the land to the petitioner's family members.

For Petitioner : Mr.A.Mohan
For RR1 to 3 : Mr.J.John Rajadurai
Government Advocate
For R4 : Mr.G.Kaleeswaran
Standing Counsel

ORDER

This writ petition is filed to issue a Writ of Mandamus directing the respondents to pay compensation at the rate of Rs.12,00,000/- per cent towards their illegal encroachment and damage caused to the land belongs to the petitioner's family or to hand over the land to the petitioner's family members.

2. Counter affidavit has been filed by the fourth respondent, wherein they have clearly stated that sanction was given by the Deputy Director of Town and Country Planning on 07.10.1990 for the draft plan of Detailed Development Plan No.VI and the same has been published in the local newspapers as per the procedure and objections were received



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from the general public and the same were rejected. Thereafter, as per the Detailed Development Plan, a 40 feet scheme road running through the petitioner's land in S.No.376/3, Allinagaram Village has been implemented. Though several land owners had volunteered to give their lands for the public purpose, the owners of the lands in S.Nos.361/1 and 351/1 had raised their objections and the project was stopped. The road now runs up to S.No.361/1 and thereafter, there is no road in S.No.376/3 (subject matter of acquisition) and the same has not been acquired and steps have also not been taken to acquire the petitioner's land.

3. In view of the above, this Writ Petition is disposed of. No costs.

24.03.2023

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

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To

1. The District Collector,
Theni District,
Theni.



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