



W.P(MD)No.4480 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.06.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.4480 of 2023

and

W.M.P(MD)Nos.4213 and 4214 of 2023

S.Murugavel

... Petitioner

Vs

1. The District Collector,
Collectorate, Velunachiyar Compound,
Dindigul District.
2. The Special Revenue Divisional Officer
/ Land Acquisition Officer,
Land Acquisition and Management Office,
Madurai.
3. The Assistant Divisional Engineer,
(Highways Planning and Sub Division),
Highways Office, Dindigul.
4. The Special Tahsildar/Land Acquisition Officer,
No. 45, Highways Extension/ Land Acquisition,
Dindigul.
5. The Tahsildar,
Taluk Office, Dindigul East Taluk,
Dindigul District.

... Respondents



W.P(MD)No.4480 of 2023

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 to the petitioner's land in survey No. 769/1C total extent 2560 sq.ft in Balakrishnapuram Village, Dindigul East Taluk, Dindigul District.

For Petitioner	: Mr.V.Karuna
For R1	: Mr.Veera Kathiravan Additional Advocate General
For R2 to R5	: Mr.N.Muthu Vijayan Special Government Pleader

ORDER

This Writ Petition has been filed in the nature of Mandamus, seeking a direction to the second respondent/Special Revenue Divisional Officer / Land Acquisition Officer, Land Acquisition and Management Office, Madurai, to pay compensation for acquisition of the lands of the petitioner in survey No. 769/1C, totally measuring 2560 sq.ft in Balakrishnapuram Village, Dindigul East Taluk, Dindigul District.

2.The petitioner had filed L.A.O.P.No.44 of 2023 before the



W.P(MD)No.4480 of 2023

Principal District Court, Dindigul questioning the very same award. The land had been acquired, compensation had been determined and award was also passed. Questioning the Award in the manner known to law, the petitioner had filed land acquisition proceedings and it is pending. The petitioner had also taken necessary steps in accordance with law. In that land proceedings, not only the petitioner herein, but also 15 other land owners are arrayed as petitioners. They are all joined together and filed the aforementioned L.A.O.P.No.44 of 2023.

3.It is contended by the learned Additional Advocate General that the petitioner has not handed over the possession and is obstructing acquisition of land.

4.The learned counsel for the petitioner stated that he is having two minor children, who require assistance owing to mental illness. The respondents may consider that particular aspect. However, the petitioner cannot stall the proceedings on that ground. The petitioner had already initiated necessary procedure for that purpose.



W.P(MD)No.4480 of 2023

5.Once compensation is fixed, award is passed, then the possession of land has to be handed over by the petitioner. The respondents are not the authorities to consider. So far as the children of the petitioner is concerned, the petitioner may seek relief independently before the appropriate authority, but not with the present respondents.

6.The learned Additional Advocate General has pointed out that only the land of the petitioner alone is not taken possession. Before the Collector's Office, the petitioner tried to commit self-immolation. The concerned Advocate is responsible for the conduct of the petitioner.

7.It is made clear that any Advocate, who files vakalat for the client has not only to advise the client with the legal steps to be taken, but also prevent them from committing unlawful acts. Threat to self-immolation is an unlawful act.

8.The petitioner is directed to voluntarily hand over the land within a period of two weeks, from the date of receipt of a copy of this order, or else, the respondents may take necessary steps for possession of land in



W.P(MD)No.4480 of 2023

manner known to law. The acquisition is for public welfare and social interest. The petitioner must realise that he is also part of society and not living a solitary life.

9.I am confident that the learned Principal District Judge, Dindigul would pass appropriate orders on considering all materials available on record.

10.For the above reasons, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

08.06.2023

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

PNM



W.P(MD)No.4480 of 2023

To

1. The District Collector,
Collectorate, Velunachiyar Compound,
Dindigul District.
2. The Special Revenue Divisional Officer
/ Land Acquisition Officer,
Land Acquisition and Management Office,
Madurai.
3. The Assistant Divisional Engineer,
(Highways Planning and Sub Division),
Highways Office, Dindigul.
4. The Special Tahsildar/Land Acquisition Officer,
No. 45, Highways Extension/ Land Acquisition,
Dindigul.
5. The Tahsildar,
Taluk Office, Dindigul East Taluk,
Dindigul District.



WEB COPY



W.P(MD)No.4480 of 2023

C.V.KARTHIKEYAN, J.

PNM

ORDER IN
W.P(MD).No.4480 of 2023
W.M.P(MD)Nos.4213 and 4214 of 2023

08.06.2023