



W.P.(MD) No.5409 of 2020

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.5409 of 2020

M.A.Rajiya Banu

... Petitioner

Vs.

1.The District Collector,
Dindigul District, Dindigul.

2.The Project Director,
National Highway Authority of India,
Madurai-625 020.

3.The Competent Authority,
Special District Revenue Officer (LA),
National Highway,
Dindigul District.

4.Jaffar

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India,
praying for issuance of Writ of Mandamus, directing the third respondent
to pay compensation to the petitioner for acquiring the land in Survey



W.P.(MD) No.5409 of 2020

No.467/8B-1A, Reddiapatti Village, Natham Taluk, Dindigul District to an extent of 0.0224 Hectare as per the notification issued by the Government of India in Na.Ka.No.9/18/NTM dated 10.08.2018

For Petitioner : Mr.R.Balakrishnan

For R1 & R3 : Mr.D.Gandhiraj
Special Government Pleader

For R2 : Mr.C.Arul Vadivel @ Sekar
Standing Counsel

ORDER

This petition has been filed for issuance of a writ of mandamus directing the third respondent to pay compensation for acquiring the petitioner's land situated in Survey No.467/8B-1A, Reddiapatti Village, Natham Taluk, Dindigul District, to an extent of 0.0224 Hectare as per the notification issued by the Government of India in Na.Ka.No. 9/18/NTM dated 10.08.2018.



W.P.(MD) No.5409 of 2020

WEB COPY

2. The petitioner would submit that the properties comprised in Survey Nos.467/8-A, 467/8-A-1, 467/8-B and 467/8-B-1, belong to one Kalangiam @ Sheik Mohammed Rowther by virtue of the registered sale deed dated 14.12.2000. Kalangiam had thereafter executed a registered sale deed in favour of the petitioner Rajiya Banu. The petitioner had developed the properties in Survey No.467/8-B and 467-8-B-1 to an extent of 49 cents. She had later developed the same into housesites and sold the property to several persons. Out of the total extent 21,364 sq ft, 18,887 sq.ft was sold to various parties and the remaining extent of 2,447 sq. ft. was kept back by Rajiya Banu for developing the said property. The same continues to be in her possession and enjoyment. It is her further case that all of a sudden, the Government issued notification dated 10.08.2018 for acquiring the land for expanding NH-785 (Madurai-Natham four way). The lands compromised in Survey No.467/8B, were totally acquired.

3. The petitioner would further submit that she had no quarrel with the quantum of compensation arrived at by the Government. However,



W.P.(MD) No.5409 of 2020

the respondents 1 to 3 have mentioned the name of the fourth respondent as the land owner. The fourth respondent is the son of Kalangiam, who has sold the property to the petitioner. The petitioner would further submit that when she had been approaching the third respondent for compensation, they had asked them to produce No Objection Certificate obtained from the concerned Village Administrative Officer and they had refused to issue No Objection Certificate stating that the land has already been reserved for road. Challenging the same, the petitioner is before this Court.

4. Heard the learned counsel appearing on either side

5. It is the case of the petitioner that she had formed a housesite in respect of the properties purchased by her under the sale deed dated 14.12.2000, particularly, Survey No.467/8B and 468/8B1. A perusal of the encumbrance certificate that has been produced by the petitioner would clearly show that road which has been formed for the purpose of layout. Considering fact that the road is already in existence and being



W.P.(MD) No.5409 of 2020

WEB COPY

used by all, the petitioner cannot seek to have claim compensation in respect of the lands which have already been set apart as a road and which has been shown as boundary for the property. Therefore, this writ petition is dismissed. No costs.

20.03.2023

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

To

- 1.The District Collector,
Dindigul District, Dindigul.
- 2.The Competent Authority,
Special District Revenue Officer (LA),
National Highway,
Dindigul District.



WEB COPY



W.P.(MD) No.5409 of 2020

P.T.ASHA, J.

cp

W.P.(MD) No.5409 of 2020

Dated: 20.03.2023