



W.P.(MD)No.11186 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.11.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.11186 of 2021

K.Nalluchamy

....Petitioner

Vs.

1.The District Collector,
District Collector Office,
Madurai.

2.The Revenue Divisional Office,
Revenue Divisional Officer,
Madurai.

3.The Revenue Divisional Office,
Revenue Divisional Officer,
Usilampatti.

4.The Tahsildar,
Tahsildar Office,
Thirumangalam.

5.Suganya Construction,
Through its Proprietor
Suganya Construction Office,
Aruppukottai

6.The Block Development Officer,
Thirumangalam, Madurai.

... Respondents

(R6 is *suo motu* impleaded vide Court order dated 29.08.2022 in W.P.
(MD)No.11186 of 2021)

1/5



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking for a writ of mandamus directing the respondents to pay the compensation for petitioner land acquisition.

For Petitioner : Mr.P.Mookan

For Respondents : Mr.A.K.Manikkam
Special Government Pleader
for R1 to R4

Mr.V.Sukumar for R5

ORDER

This writ petition was filed for the issue of writ of mandamus directing the respondents to pay compensation to the petitioner for illegally acquiring the land belonging to the petitioner.

2. Heard the learned counsel appearing for the petitioner, learned Special Government Pleader appearing for the respondents 1 to 4 and the learned counsel appearing for the 5th respondent.

3. The case of the petitioner is that the 6th respondent had given a contract to the 5th respondent and a road was laid in the patta land belonging to the petitioner. According to the petitioner, the land has been acquired without paying any compensation.



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4. The learned Special Government Pleader appearing for the official respondents 1 to 4 has submitted that there was already an existing road from the year 1994 onwards and work was undertaken to re-lay the road and for maintaining the same. The learned Special Government Pleader further submitted that re-laying of the road was only undertaken in the existing road and no steps were taken to acquire any land belonging to the petitioner.

5. In the considered view of this Court, the affidavit filed in support of the writ petition is not even clear as to who is taking steps to acquire the land. If according to the petitioner Highway Department is involved, then the Department should have been made as a party in the writ petition. That apart, there was an existing road from the year 1994 onwards and therefore, there is no question of acquiring any lands belonging to the petitioner subsequently and what was attempted to be done was to re-lay and maintain the existing road.



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6. In view of the above, the relief as sought for in the writ petition cannot be granted. This writ petition is dismissed. No costs.

27.11.2023

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

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To

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Revenue Divisional Officer,
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- 3.The Revenue Divisional Office,
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Usilampatti.
- 4.The Tahsildar,
Tahsildar Office,
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N.ANAND VENKATESH,J.

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