



W.P. (MD).No.14826 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH Court

DATED: 14.12.2023

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD).No.14826 of 2020
and WMP(MD)Nos.12483 and 12484 of 2020

Hazrath Syed Musthafa Darood

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep.By its Additional Chief Secretary,
Highways and Minor Ports Department,
Fort St. George, Chennai.
2. The District Collector,
Trichy District, Trichy.
3. The District Revenue Officer,
Cum Competent Authority,
Tiruchirapalli, Tiruchirappalli District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of certiorari calling for the records relating to the impugned notification issued by the 3rd respondent in V.A.No.481/2013/SMTH.A/Trichy, dated 31.12.2013 published in Malai Murasu (Tanjore) Daily on 05.01.2014 and quash the same as illegal.



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For Petitioner : Ms.Jesima Jasmin
for M/s.Ajmal Associates

For Respondents : Mr.R.Rajendran (R1 to R3)
Government Advocate

ORDER

This writ petition has been filed challenging the impugned notification issued by the third respondent in V.A.No. 481/2013/SMTH.A/Trichy, dated 31.12.2013, whereby, the property belonging to the petitioner was sought to be acquired under the Highways Act, 2001.

2.When the matter was taken up for hearing during the last occasion, the learned Government Advocate submitted that the possession of the land has already been taken over and that the road has already been laid in the year 2019.

3.The learned counsel for the petitioner sought for some time to take instructions in this matter. Hence, the matter was posted today for hearing.



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4. When the matter was taken up for hearing today, the learned counsel appearing for the petitioner confirmed the fact that the land has been taken possession by the Highways Department. However, the learned counsel expressed two grievances on the side of the petitioner at this stage. The first grievance is that only an extent of 335 sq. meter is the subject matter of acquisition, whereas, excess property has been acquired. The second grievance was that no compensation has been paid.

5. The learned Government Advocate appearing on behalf of the respondents submitted that the compensation amount is ready to be paid to the petitioner. Hence, the compensation will be paid to the petitioner within the time limit prescribed by this Court.

6. In the light of the above submission, this writ petition stands disposed of in the following terms.

- The compensation amount shall be paid to the petitioner within a period of four weeks from the date of receipt of copy of this order.
- A survey shall be conducted by the Tahsildar, Srirangam with the help of the surveyor in the presence of the third respondent and the



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petitioner. On such survey, if it is found that any excess land has been taken over and above 535sq.m, the same shall be restored to the petitioner, or in the alternative, additional compensation shall be paid to the petitioner, for the excess lands acquired. This process shall be completed within a period of eight weeks from the date of receipt of copy of this order.

- No costs.

14.12.2023

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

To

1. The Additional Chief Secretary,
Highways and Minor Ports Department,
Fort St. George, Chennai.
2. The District Collector,
Trichy District, Trichy.
3. The District Revenue Officer,
Cum Competent Authority,
Tiruchirapalli, Tiruchirappalli District.



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N.ANAND VENKATESH, J.

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ORDER IN
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