



W.P.(MD)No.18603 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.18612 of 2023

R.Harikrishnan

... Petitioner

versus

1. The District Collector,
District Collector Office,
Gandhi Nagar,
Madurai – 20.

2. The Divisional Engineer,
Divisional Engineer NHC,
Divisional Office,
Thallakulam,
Madurai – 20.

3. The Tahsildar,
Madurai South,
Madurai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the respondents either to give back the petitioner's property to an extent of 210 x 3.14 meters (around 17 cents) in Survey Nos.4/1A, 4/2A1 and



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3/6A2 in Viraganur Village, Madurai South Taluk, Madurai, or to pay compensation for the illegal acquisition of the petitioner's land within time stipulated by this Court.

For Petitioner : Mr.N.S.Karthikeyan

For Respondents : Mr.M.Sarangan,
Additional Government Pleader

ORDER

The grievance of the petitioner is that without his knowledge, the Highways Department have laid a road in his patta land. On this aspect, he has submitted a representation dated 22.03.2023 to the Highways Department, seeking compensation for the illegal acquisition of his property. Since there was no action on the said representation, he has also made another representation dated 07.06.2023 seeking either to give back his land or to pay compensation. Despite the same, there was no response. Therefore, the present writ petition has been filed.



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2. Mr.M.Sarangan, learned Additional Government Pleader, who takes notice for the respondents, on written instructions, submits that the road has been laid in the year 2018 and at the relevant point of time, the petitioner has not raised any objection. In fact, the road has been laid after conducting survey and identifying the owners of the land and also after issuing Notification as required under the Highways Act. Therefore, the petitioner is not justified in claiming compensation after six years that on his patta land, the road has been laid.

3. It appears that the road was laid under the Smart City Scheme on the banks of Vaigai River. The petitioner claims that the road was laid in his patta land. The grievance of the petitioner is that without conducting any acquisition proceedings, the road has been laid. The petitioner has also submitted a representation along with the documents and now, approached this Court that his representation has not been considered.



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4. Therefore, the 3rd respondent shall conduct an enquiry on the representation of the petitioner dated 07.06.2023 and after verifying with the petitioner's documents, pass orders in accordance with law, within a period of 12 (twelve) weeks from the date of receipt of a copy of this order. The second respondent shall extend his co-operation to the 3rd respondent for the early disposal of the petitioner's representation dated 07.06.2023.

5. Accordingly, this Writ Petition is disposed of. No costs.

02.08.2023

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

To

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B.PUGALENDHI, J.

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