



WP(MD)No.20139 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **07.12.2023**

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THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

W.P.(MD)No.20139 of 2021

and

W.M.P.(MD)Nos.16847 of 2021

A.Sundaraj

...Petitioner

/Vs./

- 1.The District Collector,
Kanyakumari District, Nagercoil.
- 2.The Competent Authority And District Revenue Officer,
Land Acquisition National Highways,
Tirunelveli @ Nagercoil,
Kanyakumari District.
- 3.The Project Director Cum DGM (Tech),
No.314E, K.P.Road, Near Ayappan Kovil,
Parvathipuram, Nagercoil - 629003,
Kanyakumari District.
- 4.The Revenue Divisional Officer,
Padmanapuram, Kanyakumari District.
- 5.The Special Tahsildar (LANH Unit III),
Villvancode, Thiruthuvapuram,
Kanyakumari District.
- 6.The Tahsildar,
Kalkulam Taluk,
Kanyakumari District.



WP(MD)No.20139 of 2021

7.The Land Surveyor,
Thiruvithancode,
Kanyakumari District.

...Respondents

PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for all the records pertaining to the passing of the order dated 12.10.2021/22.10.2021 on the file of the 2nd respondent and quash the same and consequently direct the 1st and 2nd respondents to rectify / modify the award No.5/2015 dated 21.02.2018 by including the 10 cents of common cemetery as per the partition deed dated 16.06.1988 registered Doc.No.1134/88 by measuring the petitioner's remaining extent of 13.500 (72.500 - 59) cents in S.No.830/5 at Valvachangostam Village, Kalkulam Taluk, Kanyakumari District.

For Petitioner : Mr.G.Justin

For Respondents : Mr.K.S.Selvaganesan (R-1, 2 & 4 to 7)

Additional Government Pleader

Mr.Su.Srinivasan (R3)

Standing Counsel

ORDER

This writ petition has been filed challenging the proceedings of the second respondent and for a consequential direction to the first and second respondents to rectify / modify the award passed in Award No.5 of 2015 dated 21.02.2018 by including 10 cents of land as per the partition deed dated 16.06.1988.



WP(MD)No.20139 of 2021

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2. Heard Mr.G.Justin, learned counsel appearing for the petitioner, Mr.K.S.Selvaganesan, learned Additional Government Pleader for the respondents 1, 2, 4 to 7 and Mr.Su.Srinivasan, learned Standing Counsel for the third respondent.

3. In the considered view of this Court, the issue that has been raised in this writ petition cannot be decided in this writ petition. It was also brought to the notice of this Court that this is the sixth writ petition that was filed by the petitioner and that apart, there is already a suit pending between the private parties in O.S.No.336 of 2018 on the file of the Sub Court, Padmanabhapuram, Kanyakumari District. In view of the same, it is left open to the petitioner to agitate the dispute in the pending civil suit and no further orders can be passed in this writ petition.

4. This writ petition is dismissed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

07.12.2023

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



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WP(MD)No.20139 of 2021

N.ANAND VENKATESH, J.

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TO:-

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Land Acquisition National Highways,
Tirunelveli @ Nagercoil, Kanyakumari District.
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- 5.The Tahsildar,
Kalkulam Taluk, Kanyakumari District.
- 6.The Land Surveyor,
Thiruvithancode, Kanyakumari District.

Order made in
W.P.(MD)No.20139 of 2021

Dated:
07.12.2023