

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.07.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

**W.P(MD)No.15310 of 2015
and
M.P.(MD)Nos.1 & 2 of 2015**

Ramakrishnan (died)

2.Vimala

3.Babu

4.Maheskumar

5.Suganya

(this Court suo motu impleaded the
petitioners 2 to 5 vide order dated 21.07.2023)

... Petitioners

Vs.

1.The District Collector,
Tiruchirappalli District,
Tiruchirappalli.

2.The Special District Revenue Officer,
(Land Acquisition, NHAI, NH 45B),
Tiruchirappalli District,
Tiruchirappalli.

3.The Project Director,
National Highways Authority of India,

Ponnagar, Tiruchirappalli.

4.The Manager/The Director,
JMC Projects India Limited,
No.4, A.A2, Kallupatti-621 305,
Manapparai Taluk, Tiruchirappalli District. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the 3rd respondent passed in proceedings NHAI/PD/TRY/NH/45B/Court Cases / 2014/676 dated June 6, 2014 and quash the same and consequently directing the respondents 1 to 3 to pass suitable orders on the 4th respondent to pay adequate compensation to the petitioner based on his representation dated 12.11.2011.

For Petitioners : Mr.T.M.Madasamy

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader for R1 & R2

: Mr.C.Arul Vadivel @ Sekar
for M/s.Arul Vadivel Asso., for R3

: Mr.R.Murali for R4

ORDER

Heard the learned counsel on either side.

2. The case of the original petitioner is that in his patta land comprised in Survey No.174/6, Tirunellippatti Village, the fourth

respondent had unlawfully quarried the sand and removed them. The petitioner sent a representation dated 12.11.2011 to the District Collector and other authorities. Since his representation did not yield any response, he filed W.P.(MD)No.9006 of 2009. This Court vide order dated 24.01.2014 directed the District Collector to pass order on his representation. The issue was considered by the District Collector as well as the National Highways Authority of India. The petitioner was informed that the 4th respondent had quarried mineral only as per the permission given by the competent authority. The stand of the official respondents is put to challenge in this writ petition.

3. The request of the petitioner is that compensation must be paid for removal of the mineral from the petitioner's patta land. The official respondents as well as the 4th respondent have filed counter affidavit and the learned counsel appearing for them took me through their contents. The respondents categorically assert that permission was granted by the District Collector, Tiruchirappalli District to quarry mineral from the Government poromboke lands and that the

4th respondent did not lay their hands on the petitioner's patta land. The allegation of the petitioner has been denied in the counter affidavits. The writ Court cannot resolve such disputed questions of fact. The petitioner must have lodged complaint before the jurisdictional police and got an investigation done. Since there is no definite material before this Court to come to any conclusion that the 4th respondent had quarried the petitioner's patta land, this Court is not in a position to grant relief. It is for the petitioners to work out their rights in the manner known to law.

4. With this liberty to the petitioners, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

21.07.2023

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

- 1.The District Collector,
Tiruchirappalli District,
Tiruchirappalli.
- 2.The Special District Revenue Officer,
(Land Acquisition, NHAI, NH 45B),
Tiruchirappalli District,
Tiruchirappalli.

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G.R.SWAMINATHAN, J.

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