



W.P(MD)No.15891 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.15891 of 2015

1.M.Ponniah (died)

2.M.Jeyanthidevi

3.Chitradevi

4.Uma Maheswaran

5.Padmavathi

6.Vaidehi

7.Aaraamuthan

... Petitioners

(Petitioners 2 to 7 were substituted as LR's
of the deceased petitioner vide court
order dated 02.01.2023)

Vs.

1.The District Collector, Madurai District.

2.The District Revenue Officer,
Madurai District.

3.The Revenue Divisional Officer,
Madurai.

4.The Tahsildar, Madurai North Taluk,
Madurai District.



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5.The Commissioner,
West Panchayat Union, Madurai.

... 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 relating with the order of the 2nd respondent made in Na.Ka.No. 60142/2014/B6, dated 14.08.2015 and quash the same as illegal and in consequence directing the respondents 1 to 4 to allot or assign the property in S. No.193/2 in Tallakulam village in Madurai North Taluk in Madurai District to the petitioner.

For petitioner : Mr.R.Suriya Narayanan

For Respondents : Mr.S.Shanmugavel,
Additional Government Pleader

ORDER

Heard both sides.

2.The petition-mentioned land belonged to the original writ petitioner. Road has been laid thereon by the local body. The land owner approached the authorities for being assigned an alternate patta land. The land identified by the petitioner has been classified as water body and the District Revenue Officer, Madurai informed the land owner that his request cannot be complied



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with. However, a direction was issued by the DRO to the local body that the local body either allot some other site or pay appropriate compensation. Challenging this stand, the present writ petition has been filed.

3.During the pendency of the writ petition, the land owner/original writ petitioner passed away and his legal heirs have been brought on record. The learned counsel for the petitioners reiterated all the contentions set out in the affidavit filed in support of this writ petition and called upon this Court to grant relief as prayed for.

4.As rightly pointed out by the learned Additional Government Pleader, the impugned communication is reasonable and does not warrant any interference. The District Revenue Officer, Madurai has made it clear that either the local body should pay compensation to the petitioner or assign an alternate land. Of course, just as the petitioner cannot insist or demand that a particular site should be allotted to him, the authorities cannot also insist the petitioner to accept a particular site. These are matters in which there will have to be consensus between the parties. If there is no alternative site available, the fifth respondent has to necessarily pay appropriate compensation to the petitioner. An enquiry shall be held and evidence shall be laid on either side with regard to valuation. The valuation will of course be



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with reference to the market value when the road was laid. But then, interest will have to be paid @ 6% p.a from the date of taking possession till the date of payment. The entire exercise shall be completed within a period of ten weeks from the date of receipt of copy of this order.

5.This writ petition is disposed of. No costs.

26.09.2023

Index : Yes / No
Internet : Yes/ No
skm

To

- 1.The District Collector, Madurai District.
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- 3.The Revenue Divisional Officer,
Madurai.
- 4.The Tahsildar, Madurai North Taluk,
Madurai District.
- 5.The Commissioner,
West Panchayat Union, Madurai.



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G.R.SWAMINATHAN, J.

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