



W.P.(MD)No.8365 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.8365 of 2014
and M.P.(MD)No.1 of 2014

K.Vijayalakshmi

... Petitioner

versus

1. The District Collector,
Tiruchirapalli District,
Trichy – 1.

2. The Assistant Divisional Engineer,
Tamil Nadu Highways Department,
Project Division,
No.14/36, Pon Nagar,
Thiruchirapalli District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to forbear the respondents herein from proceeding with the construction in laying Road Railway Over Bridge in lieu of Level Crossing No.281, situated between Manaparai and Chettiapatti Railway Stations of existing level Crossing No.281 insofar as the petitioner's property bearing Door No. 5/86-A, comprised in Survey No.599/1-A, Sevalur Village, Manaparai



W.P.(MD)No.8365 of 2014

Taluk, Tiruchirappalli District, in an extent 28 cents.

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For Petitioner : Mr.J.John
For Respondents : Mr.R.Baskaran,
Additional Advocate General
assisted by Mr.G.V.Vairam Santhosh,
Additional Government Pleader

ORDER

The petitioner has filed this writ petition for a Mandamus, forbearing the respondents from proceeding with the construction in laying road railway over bridge in her patta land bearing Door No.5/86-A comprised in Survey No.599/1-A, Sevalur Village, Manaparai Taluk, Tiruchirappalli District.

2. The case of the petitioner is that the respondents have put up construction in her patta land, without her consent and without acquiring the same even after her objections.

3. The second respondent/the Assistant Divisional Engineer, Tamil Nadu Highways Department has also filed a status report stating



W.P.(MD)No.8365 of 2014

that a parcel of land belonging to the petitioner measuring about 40 square meters was used for constructing a drain.

4. The petitioner has disputed the area occupied by the Department. Therefore, this Court, by order dated 29.03.2023, appointed a Senior Advocate as Advocate Commissioner. The Commissioner has also inspected the land with the help of a Surveyor and filed his report stating that drainage has been put up by the Tamil Nadu Highways Department in the petitioner's patta land in survey No. 599/1A and there is no other encroachment in the petitioner's patta land.

5. After filing of the report, the learned Additional Advocate General appearing for the respondents has come forward with the following proposals:

(i) The Highways Department is ready to provide compensation for the portion of the petitioner's land



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W.P.(MD)No.8365 of 2014

which has been utilized by the them under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013, after getting necessary permission/orders from the concerned authority (or)

(ii) they will demolish the drainage put up by the Highways Department and restore the petitioner's land to its original position.

6. The learned counsel for the petitioner submits that the petitioner has agreed for compensation for the portion utilized by the Highways Department.

7. Considering the submissions made on either side, this writ petition is disposed of with a direction to the second respondent to initiate appropriate proceedings for paying compensation for the land which has been utilized by them and pay the compensation to the



W.P.(MD)No.8365 of 2014

petitioner under the Right to Fair Compensation and Transparency in

Land Acquisition, Rehabilitation and Resettlement Act 2013, within a

period of four months from the date of receipt of a copy of this order.

No costs. Consequently, connected miscellaneous petition is closed.

22.06.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

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W.P.(MD)No.8365 of 2014

B.PUGALENDHI, J.

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W.P.(MD)No.8365 of 2014

22.06.2023