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W.P.(MD)NO.4078 OF 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.07.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.4078 of 2015

C.Dhanasekar

... Petitioner

Vs.

1. The District Collector,
Trichy District, Trichy.
2. The District Revenue Officer,
Collector Office Building,
Trichy.
3. The Revenue Divisional Officer,
Collector Office Building,
Trichy.
4. The General Manager,
Southern Railways,
1st Floor, N.G.O.Building,
Park Town, Chennai – 3.
5. The Divisional Railway Manager,
Southern Railways,
Rockins Road,
Trichy.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to determine the just and fair



compensation payable to the petitioner in the light of the proceedings of the 1st respondent in Na.Ka.C1 /3267/ 2011 dated 12.09.2014 for acquiring his land in old survey No.266/ 3 and new UDR survey No.271/ 3 situated at Annanagar, Ariyamangalam Village, Trichy District, for laying double railway track between Trichy to Chennai and consequently direct the respondents to disburse the compensation payable to the petitioner within a time frame stipulated by this Court.

For Petitioner : Mr.R.Pon Karthikeyan
For R-1 to R-3 : Mr.N.Satheesh Kumar,
Additional Government Pleader.

For R-4 & R-5 : Mr.K.R.Laxman,
Special Panel Counsel.

* * *

ORDER

Heard the learned counsel on either side.

2. The petitioner wants this Court to direct the respondents to pay just and fair compensation for acquiring the petition-mentioned lands.

3. The Southern Railways have filed counter affidavit. In paragraph Nos.6 and 7 of the counter affidavit, the following



averment has been made:-

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“ 6. ...

the Town Sub-Inspector of Survey, Ariamangalam Division, Trichy City Corporation has clearly made a report by stating that T.S.No. 6/2 and 8/2 are all the railway lands and T.S.No. 6/3 and 8/3 belongs to the petitioner as well as the other land owners. There is no encroachment in T.S.No.6/3 and 8/3 by this respondent.

7. I further submit that we had not intended to make acquisition in the petitioner's land. So, the revenue authorities have also not taken any step for the acquisition of the petitioner's land. The present writ petition is nothing but an apprehension of acquiring the petitioner's land by this respondent. Moreover, this respondent nor respondents 1 to 3 have not taken any step for acquisition of the petitioner's land and there is no acquisition notice issued to the petitioner. So, the petitioner's writ petition is nothing but frivolous and it is not maintainable in law or on facts.



Hence, the present writ petition has to be dismissed.”

4. Recording the stand taken by the southern railways, this writ petition stands disposed of. No costs.

04.07.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes / No

PMU

To:

1. The District Collector,
Trichy District, Trichy.
2. The District Revenue Officer,
Collector Office Building,
Trichy.
3. The Revenue Divisional Officer,
Collector Office Building,
Trichy.



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G.R.SWAMINATHAN,J.

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