



W.P.(MD)No.6292 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :23.02.2023

CORAM

THE HONOURABLE MR.JUSTICE K. KUMARESH BABU

W.P.(MD)No.6292 of 2015

and

M.P.(MD).No.1 of 2015

C.Ayyasamy

... Petitioner

Vs.

The Commissioner,
Tuticorin Corporation,
Tuticorin.

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondent to acquire the land of the petitioner as per land Acquisition Act or to remove the encroachment made by the respondent in the property of the petitioner which is situated in Survey No.3/2, Sankaraperi Village, Tuticorin Municipal Ward, Tuticorin, by considering the representation dated 03.03.2015 of the petitioner.



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For Petitioner :Mr.S.Siva Thilakar

For Respondent :Mr.N.Anandakumar

ORDER

The writ petition has been filed seeking for a Mandamus, directing the respondent to acquire the land of the petitioner as per the Land Acquisition Act or to remove the encroachment made by the respondent in the property of the petitioner which is situated in Survey No.3/2, Sankaraperi Village, Tuticorin Municipal Ward, Tuticorin, by considering the representation of the petitioner dated 03.03.2015.

2.The case of the petitioner is that the petitioner's land in Survey No.3/2 in Sankaraperi Village, had been encroached upon by the respondent and they have laid metal road in the said land. Hence, the petitioner had also filed a suit against the respondent and judgment and decree has been obtained in O.S.No.23/2004 on the file of the Additional District Munsif Court, Tuticorin. Hence, he had made a representation to the respondent, calling upon them to pay compensation by acquiring the petitioner's property.



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3.The petitioner's land, seems to have been encroached by the respondent and the metal road has been laid with the width of 10 feet. The said road has been laid without any acquisition of petitioner's properties. It seems to be the violation of Article 300 (A) of the Constitution of India. Hence, the petitioner is directed to make a fresh representation to the District Collector, Tuticorin. The District Collector, on receipt of such representation, shall call upon the respondent herein and also the petitioner and initiate action of property acquisition as provided in the Right of Fair Compensation Act, 2013 within a period of twelve weeks from the date of receipt of a copy of this order and pay necessary compensation to the petitioner thereafter.

4.In view of the aforesaid observation, this writ petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

23.02.2023

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

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To

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K.KUMARESH BABU, J.

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