



W.P(MD)No.26143 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 01.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.26143 of 2023

Muthuraj

... Petitioner

Vs.

- 1.The District Collector,
Tenkasi District.
- 2.The Competent Authority and
Special District Revenue Officer,
(Land Acquisition-National Highways Project)
(NH-744),
Office of the Special District Revenue Officer,
Virudhunagar.
- 3.The District Revenue Officer,
Tenkasi.
- 4.The Revenue Divisional Officer,
Tenkasi.
- 5.The Tahsildar,
(Land Acquisition-National Highways Project)
(NH-744),
Unit – 7, Kadayanallur,
Tenkasi District.



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6.The Tahsildar,
Kadayanallur Taluk,
Tenkasi District.

7.The Village Administrative Officer,
Chokkampatty,
Kadayanallur Taluk,
Tenkasi 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 pertaining to the order passed by the Tashildar, Land Acquisition - National Highways Project) (NH-744), Unit-7, Kadayanallur, Tenkasi District, the fifth respondent in his proceedings in vide Na.Ka.Aa1/88/2021 dated 29.09.2023 and quash the same as illegal and further more direct the respondents 2 and 5 to pay compensation to the petitioner with 18% interest for the land acquired under the National Highways Project NH-744 (Thirumangalam to Senkottai) in Survey No. 597/4 to an extent of 20 cents (0.8 ares), at Chokkampatty, Kadayanallur Taluk, Tenkasi District within the time stipulated by this Court.

For Petitioner : Ms.C.Kayalvizhi

For Respondents : Mr.M.Prakash
Additional Government Pleader

ORDER

Heard both sides.



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2. The land acquisition proceedings were initiated under the National Highways Act, 1956 for laying Thirumangalam – Sengottai four lane highways. In this regard, the land comprised in Survey No.597/4 in Chokkampatti Village was acquired. The petitioner applied to the second respondent for granting compensation. The petitioner's request was rejected vide memorandum dated 27.09.2023. Challenging the same, the present writ petition came to be filed.

3. When the matter was taken up for hearing, the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader relied on the A-Register entries. It is not in dispute that the said entries are prior to UDR. Survey No.597/4 has been classified as “Rayathu Punjai”. It stood in the name of Thusimada Mooper. Its patta number has been mentioned as 1033. When the land has been classified as “Rayathu” it could not have been classified as “Sarkar Poromboke” subsequently. The learned counsel appearing for the petitioner draws my attention to the relinquishment deed executed by Thusimada Mooper on



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15.10.1984 in favour of one Subbammal. The said Subbammal is said to be the grandmother of the petitioner. It is a registered document.

4. Therefore, the case of the petitioner could not have been summarily rejected by the second respondent by placing reliance on the entries in the revenue record.

5. In this view of the matter, memorandum dated 29.09.2023 is set aside. The matter is remitted to the file of the second respondent. The second respondent shall take note of the materials relied on by the writ petitioner and pass award. I make it clear that I had only indicated that for acquiring the land in Survey No.597/4, compensation has to be paid. I have not gone into the quantum of compensation nor the entitlement of the petitioner. These are matters that will have to be decided by the second respondent. The entire exercise shall be completed by the second respondent within a period of three months from the date of receipt of a copy of this order.



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6. This writ petition is allowed accordingly. There shall be no order as to costs.

01.11.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

To

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7.The Village Administrative Officer,
Chokkampatty,
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