



W.P. No.7067 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.7067 of 2024

N.Vijayaraghavan

... Petitioner

Versus

1. The District Collector
Collectorate Office
Tiruvannamalai District
2. The Tahsildar
Polur Town
Tiruvannamalai District
3. The Executive Officer
Polur Town Panchayat
Tiruvannamalai District

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order issued by the 1st respondent on 18th November 2023 in Na.Ka.M1/1244753/2023 to quash the same and further direct the 1st respondent to award compensation for the land acquired or to return back the land to the petitioner.



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For Petitioner : Mr.S.Gunaseelan
For R1 and R2 : Mr.A.Selvendran
Special Government Pleader
For R3 : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This Writ Petition is filed challenging the impugned order issued by the 1st respondent on 18.11.2023 in Na.Ka.M1/1244753/2023 and quash the same and further direct the 1st respondent to award compensation for the land acquired or to return back the land to the petitioner.

2. The case of the petitioner is that the petitioner's mother is the absolute owner of the property in question measuring a total extent of 5600 Sq.ft. After the demise of his mother, the petitioner and his family members have been in possession and enjoyment of the property. While so, part of the said property (1012 sq.ft.) was acquired by the 3rd respondent for construction of drainage channel in the month of December 2020 and for extension of Road in the month of January 2021 without following the



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due process of law and no proper notice was served regarding the acquisition and without providing fair compensation, the said property was acquired. Hence, the petitioner made a representation on 13.01.2021 regarding encroachment of the petitioner's property and not paying adequate compensation as per the Right to fair compensation, Transparency in land acquisition, Rehabilitation and Resettlement Act, 2013. Subsequently, the Assistant Director of Town Panchayat, Vellore sent a letter (Na.Ka.No.58/2021/E) to the 3rd respondent on 05.02.2021 to take appropriate action and to inform to the petitioner. But no action was taken by the 3rd respondent. Based on the petitioner's representation, the 1st respondent had directed via order O.M. (Aa4)/2444/2021 on 05.07.2021 to the 3rd respondent to take appropriate action and to furnish the details to the petitioner and to the 1st respondent. Even after submitting several representations, no action was taken. Hence, the petitioner filed a Writ Petition in W.P. No.11144 of 2023 and this Court by order date 12.04.2023



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had directed the 1st respondent to consider the petitioner's representation and pass orders on merits and in accordance with law within a period of twelve weeks. Subsequently, the 1st respondent passed the impugned order dated 18.11.2023 rejecting the claim of the petitioner. Hence, the present petition is filed.

3. Mr.A.Selvendran, learned Special Government Pleader takes notice for the respondents 1 and 2. Mr.Yogesh Kannadasan, learned Special Government Pleader takes notice for the 3rd respondent.

4. Heard and perused the materials available on record.

5. In the impugned order it is clearly stated that the road in question is necessary for the petitioner as his lands are on both sides of the road. Though the public are also using the said road, they have got alternative road and therefore, acquisition of the said road by giving compensation is not necessary.



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6. In case a land is acquired without following the due process of law, then the Court can give a direction, whereas, in this case, the 1st respondent has clearly expressed that the land is not required for acquisition. Under these circumstances, the Court cannot compel the Government to acquire the land. Therefore, the petitioner is not entitled for the relief sought for.

7. Accordingly, this Writ Petition is dismissed at the admission stage itself. No costs.

8. However, the petitioner is directed to work out his remedy in the manner known to law before the Civil Court in case the respondents prevent the petitioner from recovering his property.

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Index : Yes / No

Speaking Order : Yes / No

Neutral Case Citation : Yes/No

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