



WEB COPY



W.P.No.26735 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.26735 of 2024

S.Ramkumar

... Petitioner

VS.

1.The District Collector,
First Floor, Collectorate,
Kancheepuram,
Kancheepuram District.

2.The Special District Revenue
Officer (Land Acquisition)
National Highways Department
Kancheepuram.

3.The Special Tahsildar (LA)
National Highway Project,
Mamallapuram to Puducherry Expressway,
Chengalpattu.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records



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leading to the issuance of the Order bearing No. ந.க.02/2023/காலா/எம்.பி.சி dated 12.08.2024 passed by the 3rd Respondent and quash the same and consequently to direct the Respondents to consider the representation of the Petitioner dated 13.12.2022 and determine and award compensation to the Petitioner in respect of the subject property, morefully described in the schedule to the Writ Petition, in accordance with law, within a time limit to be fixed by this Court.

For Petitioner : Mr.B.Arvind Srevatsa

For Respondents : Mr.P.Sathish
Additional Government Pleader

ORDER

Aggrieved by the order bearing No.Na.Ka.02/2023/Kaala/M.P.C, dated 12.08.2024 passed by the 3rd respondent rejecting the request of the petitioner for disbursement of the compensation in respect of the land acquired by the respondents in S.No.339/1B3B in Mudaliyarkuppam Village, Cheyyur Taluk, Chengalpattu District, the petitioner has come by way of this writ petition.



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2. A reading of the impugned order would suggest the request of the petitioner was rejected on the ground that the property belongs to Arulmigu Arasadi Vinayagar Koil as per the revenue records.

3. The learned counsel appearing for the petitioner by taking this Court to the registered Partition Deed dated 25.08.1994 entered in his family, submitted that the property in question was allotted to the petitioner under D-Schedule to the property. Therefore, it is his personal property.

4. A reading of the Partition Deed relied on by the petitioner would suggest the property under acquisition was described in D-Schedule to the Partition Deed as property of the Vinayagar Koil. It is also noted that Velusamy Pillai petitioner's Grandfather at the relevant point of time acted as trustee of the temple. Therefore, even from the Partition Deed relied on by the petitioner, it is clear the lands under acquisition belong to the Temple. Therefore, I do not find any error in the impugned order passed by the 3rd respondent rejecting the request of the petitioner. Hence, I am not inclined to interfere with the impugned order dated 12.08.2024 passed by the 3rd respondent. However, it is open to the petitioner to make an



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application under Section 3H(4) of the National Highways Act, 1956 seeking reference to the Court to decide the person entitled to claim compensation.

5. With this observation, the Writ Petition stands dismissed. No costs.

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Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dm



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S.SOUNTHAR, J.

dm

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