



W.P.No.35691 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **01.02.2024**

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.35691 of 2023

C.Baby

... Petitioner

Versus

1.The District Collector,
Ariyalur District, Ariyalur.

2.The District Revenue Officer,
Ariyalur District, Ariyalur.

3.The Revenue Divisional Officer,
Ariyalur District, Ariyalur.

4.The Divisional Engineer (National Highways),
Divisional Engineer Office,
Thanjavur.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents to provide the compensation to the property in S.No.538/98 based on the representation of the petitioner dated 17.02.2021.

For Petitioner : Mr. D. Ashokkumar

For Respondents : Mr. R.U. Dinesh Rajkumar,
Additional Government Pleader.



W.P.No.35691 of 2023

WEB COPY

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus directing the respondents to provide compensation to the property in S.No.538/98, based on the representation of the petitioner dated 17.02.2021.

2. The case of the petitioner is that she is in possession of the property in S.No.538/98 situated in Ariyalur District for more than six decades. The National Highway Department has acquired the land adjacent to the petitioner's house and demolished the same, after due notice and compensation. However, in the case of the petitioner, till date, the respondents have not issued any public notice, or issued compensation to the petitioner. To that effect, in the year 2018, the petitioner made a representation and thereafter, in the year 2021, she made another representation dated 17.02.2021 to the authorities concerned. No steps have been taken so far, and hence, once again, the petitioner has made a representation dated 18.11.2023 to the authorities concerned and the same was kept pending. Hence, the present Writ Petition.



W.P.No.35691 of 2023

WEB COPY

3. The learned counsel for the petitioner submitted that even the petitioner's predecessors have occupied the land. The land was originally classified as “Grama Naththam” and the predecessors in title of the petitioner's land constructed a Temple for their own purpose and further, they have constructed a structural building. Thereafter, they have also subsequently occupied the land and put up the superstructure and the same was recognized by the Government and allotted Door No.4B1 and the tax was also paid. Subsequently, the predecessors of the petitioner have executed a Will in favour of the petitioner, and therefore, as per the Will dated 26.04.2006, she was in possession of the property. Now, the land was acquired by the Highways Department and they have not paid any compensation. Therefore, the petitioner made a representation dated 17.02.2021 for compensation. So far, the respondents have not considered the representation of the petitioner and have not paid any compensation to the petitioner. Therefore, the petitioner has filed the present Writ Petition for the above said relief.

4. The learned Additional Government Pleader appearing for the respondents submitted that the property which is a “Promboke” belongs to



W.P.No.35691 of 2023

the Government and the petitioner is not the owner of the said property and it is a Government land, and the petitioner is claiming the compensation, and therefore, they need not pay the compensation on the Land acquired under Acquisition Proceedings. Though initially, the land was classified as “Roytwari land” and subsequently, it was classified as “Grama Naththam” and after the UDR scheme, again it was re-classified as “Government Promboke”. At present in the said Door bearing No.4B1, a Temple and Street are lying in the land, therefore, the petitioner is not entitled to get any compensation for the land in S.No.538/98.

5. Since the writ petition is filed for issuance of simple writ of mandamus and also disputed the title, and the said land is classified as “Grama Naththam” in the settlement register and the documents produced by the petitioner shows that the petitioner is in possession, even prior to the re-classification. Therefore, the respondents are directed to arrive at a compensation and deposit the same before the Civil Court.

6. It is for the petitioner to approach the Civil Court and prove the fact that the acquired property and the property occupied by the



W.P.No.35691 of 2023

petitioner is one and the same, which is originally classified as “Grama Naththam” and which falls under the earlier Door No.4/B1 and the new No.88. It is for the petitioner to establish the title and possession before the Civil Court and to get appropriate remedy.

8. However, since the land of the petitioner is classified as “Grama Naththam”, then the Government is not the owner of the property in question. Therefore, this Court directs the respondents to arrive at a compensation in respect of the petitioner's land in question and deposit the same before the Civil Court and also refer the matter under Section 30 of the Land Acquisition Act. It is up to the petitioner to work out her remedy before the Civil Court in the manner known to law.

9. With the above observations and directions, the Writ Petition is disposed of. No costs.

01.02.2024

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

klt



W.P.No.35691 of 2023

WEB COPY

To:

- 1.The District Collector,
Ariyalur District, Ariyalur.
- 2.The District Revenue Officer,
Ariyalur District, Ariyalur.
- 3.The Revenue Divisional Officer,
Ariyalur District, Ariyalur.
- 4.The Divisional Engineer (National Highways),
Divisional Engineer Office,
Thanjavur.



WEB COPY



W.P.No.35691 of 2023

P. VELMURUGAN, J.

klt

W.P.No.35691 of 2023

01.02.2024