



W.A(MD)No.1173 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.07.2024

CORAM :

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

**W.A(MD)No.1173 of 2024
and
CMP(MD)No.9060 of 2024**

1. The District Collector,
Dindigul District.

2. The Revenue Divisional Officer,
Dindigul District.

3. The Thasildar,
Dindigul West Taluk,
Dindigul.

4. The Special Thasildar,
Adi Dravidar Welfare Department,
Dindigul West Taluk,
Dindigul District.

... Appellants

VS.

M.Veerammal

... Respondent

Prayer : Appeal filed under Clause 15 of the Letters Patent, against the order dated 27.09.2023 made in W.P(MD)No.22500 of 2023.

For Appellants : Mr.A.Kannan, Additional Government Pleader



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For Respondent

: Mr.J.Lawrence

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JUDGMENT

(Judgment of the Court was made by **R.SURESH KUMAR, J.**)

This writ appeal has been directed against the order passed by the Writ Court dated 27.09.2023 made in W.P(MD)No.22500 of 2023.

2. That, the respondent filed the said writ petition seeking a Writ of Mandamus, forbearing the 4th respondent therein, from acquiring the petitioner's land in Old.S.No.242/3D, New S.No.242/13 situated at Kunjanampatti Utkadai, Kuttathupatti Village, Dindigul West Taluk, Dindigul District.

3. It is the contention of the respondent / writ petitioner before the Writ Court that, the property belongs to her which is sought to be acquired by the appellants department, but no compensation had been paid to her. However, it was the stand of the appellants department that, the compensation payable for such acquisition had already been paid to one Thirumalai Samy, who is none other than the vendor of the respondent / writ petitioner.



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4. This factor was disputed strongly by the respondent / writ petitioner before the Writ Court by citing the reason that, Thirumalai Samy has no connection whatsoever with the property as in respect of the property in question, the respondent / writ petitioner filed a suit in O.S.No.3 of 1996 on the file of the II Additional District Munsif Court, Dindigul, where, she got a decree which was confirmed by the Principal Sub Court, Dindigul, in A.S.No. 176 of 1999. When that being the position, she is the absolute owner of the property and therefore, she is entitled to get the compensation.

5. Having regard to the said factors that had been brought to the notice of the learned Judge of the Writ Court, the learned Judge has permitted the respondent / writ petitioner to make a representation to state all these factors to the appellants department who on receipt of such representation, shall consider the same and decide it on merits and in accordance with law within a time frame. Only that was the direction given by the learned Judge through the impugned order.

6. When that being the position, since the present appeal has been directed against the said order, even though the learned Additional Government Pleader appearing for the appellants wants to assail the order, which is



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impugned herein, we do not find any reason to accept the plea made by the appellants to entertain this writ appeal, for the simple reason that, it was only an innocuous direction that was given by the learned Judge through the impugned order, whereby, the respondent / writ petitioner has been permitted to make the representation to state all the facts including the civil court decree as confirmed by the appellate court with regard to the land in question, to claim the compensation by her and further directed the appellants department to consider such representation to be made by the respondent / writ petitioner.

7. When such being the position, we do not find any reason to interfere with the said order passed by the Writ Court. Hence, this Writ Appeal fails. Accordingly, it is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.K., J.)

(G.A.M., J.)

19.07.2024

Index : Yes / No
Neutral Citation : Yes / No
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JUDGMENT MADE IN
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