



W.P.(MD)No.6904 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.04.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.6904 of 2024

S.Tamilzhselvi

... Petitioner

Vs.

1.The District Collector,
Theni District.

2.The Block Development Officer,
Uthamapalayam Town,
Uthamapalayam Taluk,
Theni District.

3.The Village President,
Ayyampatti Village Panchayat,
Markaiyankottai Via,
Uthamapalayam Taluk,
Theni District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents herein to disburse the payment of compensation to the petitioner for illegal encroachment of her 50 cents (0.20.0 Hec) in Survey No.9/4 situated in Ayyampatti Village, Markaiyankottai Via, Uthamapalayam Taluk, Theni District, covered by patta No.112.



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For Petitioner : Mr.K.Appadurai

For Respondents : Mr.N.GA.Nataraj,
Government Advocate.

ORDER

Heard both sides.

2.The writ petitioner is having patta for 50 cents of land in S.No.9/4 in Ayyampatti Village. Copy of the patta has been enclosed at Page No.21 in the typed set of papers. The said patta includes various other items belonging to the petitioner. It is not in dispute that the an Integrated Women Sanitary Complex has been put up in the said survey number by the local body. All that the petitioner wants is compensation for the same.

3.The second respondent has filed counter affidavit. The stand of the respondents is that as per survey resettlement register, the said survey number has been classified as government poramboke. The respondents would claim that patta was wrongly issued in favour of the petitioner. The learned Government Advocate took me through the averments set out in the counter affidavit and called upon this Court to dismiss the writ petition.



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4.I am not swayed by the stand taken by the respondents. Admittedly, the revenue record reflected the name of the petitioner. When the authorities have issued patta to the petitioner, they cannot subsequently claim that it was wrongly issued. Admittedly, till date, patta has not been cancelled. Before putting up the construction in the land, the petitioner should have been put on notice. Nothing of that sort happened. I, therefore, direct the first respondent to conduct enquiry and determine the compensation payable to the petitioner. Such compensation shall be paid to the petitioner within a period a period of twelve weeks from the date of receipt of a copy of this order.

5.This writ petition is allowed on these terms. No costs.

23.04.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

1.The District Collector,
Theni District.



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ias

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