



W.P.(MD)No.11367 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.05.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.11367 of 2024
and
W.M.P(MD).No.10100 of 2024

R.Rajendran

... Petitioner

vs.

- 1.The District Collector,
Madurai District.
- 2.The Special District Revenue Officer (Land Acquisition),
O/o.The Special District Revenue Officer (Land Acquisition),
Madurai,
Madurai District.
- 3.The Special Tahsildar (Land Acquisition),
Collectorate Campus,
Madurai,
Madurai District.
- 4.The Divisional Engineer,
National Highways,
Alagar Kovil Road,
Madurai,
Madurai District.



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5.The Assistant Executive Engineer,
TANGEDCO,
Thirumangalam,
Madurai District.

6.Arulmigu Kattu Bathirakaliamman Kovil,
Represented by its Fit Person,
Venkadasamuthiram Village,
Thirumangalam,
Madurai Distirct.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the third respondent to disburse the compensation amount to the tune of Rs.27,41,344/- (Twenty Seven Lakhs Forty one Thousand Three Hundred and Forty Four Rupees) along with proportionate interest to the petitioner in accordance with the Section 18 and 19 of the Tamil Nadu National Highways Act 2001 for acquiring the petitioner's land to an extent of 270 Sq. meteres in Town Survey No.90, Ward E, Block 7, Arumugam Raod, Thirumangalam Town, Madurai District within the time period stipulated by this Court.

For Petitioner	:	Mr.Aswin Raja Simman
For R1 to R4	:	Mr.D.Gandhiraj Special Government Pleader
For R5	:	Mr.S.Deenadhayalan
For R6	:	Mr.S.Manoharan



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ORDER

The petitioner has filed this petition praying to issue a Writ of Mandamus, directing the third respondent to disburse the compensation amount to the tune of Rs.27,41,344/- (Twenty Seven Lakhs Forty one Thousand Three Hundred and Forty Four Rupees) along with proportionate interest to him in accordance with the Sections 18 and 19 of the Tamil Nadu National Highways Act 2001 for acquiring his land to an extent of 270 Sq. meteres in Town Survey No.90, Ward E, Block 7, Arumugam Raod, Thirumangalam Town, Madurai District within the time period stipulated by this Court.

2. Mr.T.Aswin Raja Simman, learned counsel appearing for the petitioner submitted that the petitioner's land to an extent of 270 square metres in Town Survey No.90, Ward E, Block 7, Arumugam Raod, Thirumangalam Town, Madurai District has been acquired by the first respondent for the purpose of constructing railway over bridge. It is further submitted that the compensation has been determined to the tune of Rs.27,41,344/- and the even without settling the compensation amount



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fixed by the Government, construction has begun.

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3. Mr.D.Gandhiraj, learned Special Government Pleader, on instructions, submitted that the third respondent is unable to settle the compensation amount to the petitioner in view of the objections raised by the sixth respondent.

4. Mr.S.Manoharan, learned counsel appearing for the sixth respondent submitted that the land does not belong to the petitioner, but it is a Temple land.

5. All these matter ought to have been agitated before the appropriate Authority at the time when the acquisition process was initiated.

6. It is the contention of the learned counsel appearing for the sixth respondent that the sixth respondent was not aware of the acquisition proceedings at the time when the acquisition proceedings



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were initiated.

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7. However, the sixth respondent has not initiated any proceedings to challenge the order awarding compensation to the petitioner on the ground that he has already got a decree in his favour in respect of the demised property. In such circumstances, it is for the third respondent to receive objections if any filed by the sixth respondent and pass appropriate orders.

8. In view of the above observations, the writ petition is **disposed of** and the third respondent shall receive objections, if any filed by the sixth respondent, and pass appropriate orders within a period of four weeks from the date of receipt of such objections. No costs. Consequently, connected Miscellaneous Petition is closed.

2.05.2024

NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order
mbi



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R.N.MANJULA, J.

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