



W.P.(MD) No.19515 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.10.2024

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THE HONOURABLE Ms.JUSTICE P.T.ASHA

**W.P.(MD) No.19515 of 2024
and
W.M.P.(MD) No.16567 of 2024**

J.Soma Sundarraaj

... Petitioner

/vs./

1.Government of Tamil Nadu,
represented by its Secretary (Revenue),
Secretariat,
Chennai 600 009.

2.The Principal Secretary to Government,
Public Works Department,
Secretariat,
Fort St.George,
Chennai 600 009.

3.The Engineer in chief,
Water Resource Department,
Chepauk, Chennai 600 009.

4.The District Collector,
Nagercoil,
Kanyakumari District.



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- 5.The District Revenue Officer,
Nagercoil,
Kanyakumari District.
- 6.The Revenue Divisional Officer,
Padmanabapuram,
Kanyakumari District.
- 7.The Tahsildar,
Killliyoor Taluk,
Kanyakumari District.
- 8.The Executive Engineer,
Water Resource Department,
Nagercoil,
Kanyakumari District.
- 9.The Assistant Engineer,
Water Resource Department,
Chittar Pattanakall Division,
Karungal,
Kiliyoor Taluk,
Kanyakumari District.
- 10.The Executive Officer,
Karungal Town Panchayat,
Karungal,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to pay compensation for the land to an extent of 8.450 cents forcibly taken over for constructing water



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channel without taking recourse to acquisition proceedings, or due process of law in Survey No. 541/22, Karungal Village, Killiyoor Taluk, Kanyakumari District, and consequently forbear the respondents herein or any one claiming on their behalf from in any manner interfering with the petitioner's peaceful possession and enjoyment and remove the encumbrance of a portion of an unutilized land to an extent of 5.25 cents in Survey No. 541/23, Karungal Village, Killiyoor Taluk, Kanyakumari District without establish their claim of water body or water channel.

For Petitioner : Mr.R.Russel Raj

For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

The above writ petition has been filed for the issue of a Writ of Mandamus directing the respondents to pay compensation for the land, measuring an extent of 8.450 cents in Survey No.541/22, Karungal Village, Killiyoor Taluk, Kanyakumari District and consequently forbear the respondents from in any manner interfering with the petitioner's peaceful possession and enjoyment and remove the encumbrance of a portion of an unutilized land to an extent of 5.25 cents in Survey No. 541/23, Karungal Village, Killiyoor Taluk, Kanyakumari District without establish their claim of water body or water channel.



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2. From the perusal of the contents of the affidavit, it is clear that the Channel in question had been formed nearly 60 years ago, when the petitioner would have just been about 2 years old. 60 years later, the petitioner has demanded compensation for the said lands stating that it has been laid in his property. The petitioner's predecessor in title, during whose period the Channel had been laid, have not raised a single protest nor is there any document to show that they had demanded compensation. After 60 years, the petitioner had come forward with this writ petition.

3. The petitioner has relied upon the judgment of the Hon'ble Supreme Court in Civil Appeal Nos.60-61 of 2020 (***Vidya Devi Vs. The State of Himachal Pradesh and others***), that was a case where the petitioner herself being an illiterate was unaware about her rights. However, that case can be distinguished since when the lands were taken possession of, the petitioner's predecessor in title were very much available and were the best persons to raise a protest against the same or demand compensation, which they have not done.



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4. In the light of the above, I see no reason for granting the relief claimed by the petitioner and accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

24.10.2024

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To

1. Government of Tamil Nadu,
represented by its Secretary (Revenue),
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2. The Principal Secretary to Government,
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P.T.ASHA, J.

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