



WP(MD)No.20333 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.20333 of 2024

Y.Gnana Durai
S/o. Late Yovan Nadar.

... Petitioner

Vs

1.The Commissioner of Land Acquisition,
Chepauk,
Chennai.

2.The District Collector,
Tirunelveli District,
Tirunelveli.

3.The Special Tahsildar (Land Acquisition),
River Link Project-Unit 3,
Palayamkottai,
Tirunelveli District.

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents herein to pass the award and serve the copy of the award to the petitioner and pay the compensation amount to the petitioner for the land acquired in Survey Nos.734/2B1A1 and 734/3 at Tharuvai Village, Palayamkottai Taluk within the time frame fixed by this Court.



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WP(MD)No.20333 of 2024

For Petitioner : Mrs.K.Porkodi
For Respondents : Mr.B.Saravanan
Government Advocate
ORDER

The petitioner claiming to be the owner of lands in Survey Nos. 734/2B1A1 and 734/3 at Tharuvai Village, Palayamkottai Taluk has approached this Court, seeking a Mandamus to the respondents to pass an award, furnish the certified copy of the award to this petitioner and to also pay compensation for the above lands acquired by the Government from this petitioner.

2.The learned counsel appearing for the petitioner submits that for the purpose of formation of interlinking of Thamirabarani-Karumeniaru and Nambiyar Rivers, the Government has acquired the petitioner's property in S.Nos.734/2B1A1 and 734/3 at Tharuvai Village, Palayamkottai Taluk. According to the petitioner, the above land is his ancestral property and the petitioner has inherited the same from his father. The patta for the land in S.No.734/2B1A1 stands in his name along with six others as a joint patta and the Patta No. 3507 for the land in S.No.734/3 also stands in his



WP(MD)No.20333 of 2024

name. The petitioner has approached the respondents for compensation for the lands acquired by the Government and the respondents have directed this petitioner to appear for an enquiry, as such, he has also appeared for the enquiry on 25.06.2024 and produced all the relevant documents. However, the respondents have not passed any award in favour of this petitioner and therefore, this petitioner is before this Court.

3.Mr.B.Saravanan, learned Government Advocate takes notice for the respondents and submits that the petitioner herein, taking advantage of similarity in his name and his father's name as that of the original land owner, has filed this writ petition. According to the learned Government Advocate, the lands in S.Nos.734/2B1A1 and 734/3 at Tharuvai Village, Palayamkottai Taluk stands in the name of one Gnanadurai Nadar S/o Yovan Nadar and an award has also been passed on 20.11.2023. The petitioner herein has filed an application, seeking compensation. In order to verify the real owner of the subject land, a notice has been sent to both the parties on 25.06.2024. They have also submitted certain documents to prove their ownership and the enquiry is under progress.



WP(MD)No.20333 of 2024

WEB COPY

4.This Court considered the rival submissions made and also perused the materials placed on record.

5.It appears that the lands in S.Nos.734/2B1A1 to an extent of 0.45.29 hectares and S.No. 734/3 to an extent of 0.02.19 hectares at Tharuvai Village, Palayamkottai Taluk have been acquired by the Government for the purpose of formation of flood carrier channel linking Tamirabarani, Karumeniyar and Nambiyar Rivers. The petitioner claims that he is the owner of the above lands and he filed an application, seeking compensation and it was not considered by the respondent and therefore, he has approached this Court. On the other hand, the respondents have taken a stand that the subject lands belong to one J.S. Gnanadurai Nadar S/o Yovan Nadar. After completion of acquisition proceedings, they have fixed the compensation amount. At this juncture, the petitioner herein has filed an application, seeking compensation for the same property. The third respondent has conducted an enquiry with regard to the ownership of the property. It appears that both the parties have produced certain documents



WP(MD)No.20333 of 2024

to prove their ownership of the property. However, the enquiry has not been concluded.

6. Therefore, in order to give quietus to this issue, the petitioner is directed to appear before the third respondent on 02.09.2024 along with the relevant documents, if any, in his favour to establish the right/title over the subject property. On receipt of documents, the third respondent shall conduct the enquiry after providing opportunity to the other side, and take a decision within a period of four weeks from thereon.

7. With the above directions, this writ petition is disposed of. No costs.

27.08.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
vrn



WP(MD)No.20333 of 2024

To

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- 1.The District Collector,
Trichy District,
Trichy.
- 2.The Revenue Divisional Officer,
Srirangam Revenue Division,
Trichy District.
- 3.The Tahsildar (Revenue),
Manapparai Taluk,
Trichy District.



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WP(MD)No.20333 of 2024

B.PUGALENDHI,J.

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