



W.P.(MD) No.20539 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.10.2024

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THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.P.(MD) No.20539 of 2024

and

W.M.P.(MD) Nos.17435 and 17436 of 2024

R.Subbulakshmi

... Petitioner

/vs./

1.The Competent Authority (Land Acquisition-NH)
cum Special Tahsildar,
Srivilliputhur,
Virudhunagar District.

2.The Tahsildar,
Srivilliputhur Taluk,
Srivilliputhur,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order made by the 1st respondent in Na.Ka./T.P.No./A1/411/2020 dated 25.07.2024 and quash the same as illegal and consequently direct the 1st respondent pay the compensation determined qua the acquisition of the petitioners land in Survey No.22/2, Muthuvenkataraapuram village,



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Srivilliputhur, Virudhunagar District within the time that may be stipulated by this Court.

For Petitioner : Mr.M.Mahaboob Athiff
For Respondents : Mr.P.Thambidurai
Government Advocate

ORDER

Despite issuing notice in all the proceedings under the Act to the petitioner when it came to be disbursement of compensation, the respondents have refused to pay the compensation to the petitioner stating that the father's name of the petitioner's father has been wrongly described in the patta. The above case clearly demonstrates the red tapism that is so prevalent in the Government Departments.

2. It is the case of the petitioner that an extent of 0.67.5 ares of agricultural land in S.No.22/2 at Muthuvenkatarayapuram Village, Srivilliputhur, Virudhunagar, was inherited by her from her father, Muthiah Thevar. Muthiah Thevar's father was one Subbiah Thevar. Muthiah Thevar passed away on 14.08.1985 and the petitioner as his only legal representative was in possession and enjoyment of the property. Patta stood in the name of her father in patta No. 281.



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3. While so, the Government of India had decided to acquire an extent of 0.2055 sq.mts., from out of the aforesaid lands for the developments of National Highway No.744 (Thirumangalam-Rajapalayam-Shengottai 4 way lane project). A notice was issued to the petitioner and she had participated in all the acquisition proceedings and had submitted all the relevant records for the purpose of determining the compensation.

4. On being convinced with the records submitted by the petitioner, the first respondent by his award dated 30.08.2022 had determined the compensation for the petitioner's land at Rs.16,47,035/-. However, when the petitioner sought to receive the payment, the same was not released to her. At that point in time, the respondents came out with a contention that in the patta, the petitioner's grandfather's name was shown as Muthu Thevar and not Subbiah Thevar and that the same should be corrected. The petitioner thereupon approached the Tahsildar, who after a detailed enquiry, had passed orders correcting the error. When the petitioner once again approached the respondents, the request was turned down by the impugned order stating that the second respondent did not have the



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authority to effect the UDR correction. Challenging the same, the petitioner is before this Court.

5. The counter proceeds on the ground that the petitioner was asked to approach the District Revenue Officer, which she has not done. Further, the petitioner has not proved whether Subbiah Thevar was her grandfather.

6. A perusal of Section 3-C of the National Highways Act, 1956, would clearly show that any person, who is interested in the land, can file their objections and the objection of such persons has to be considered and orders passed. Thereafter, Section 3-G (3) states that before proceeding to determine the amount under sub section 1 or sub section 2, the competent authority should give a public notice inviting claims from all the persons interested in the land to be acquired and such persons have to be appeared before the competent authority and state the nature of their interest in the land. The amount shall thereafter be determined and if the amount is not acceptable, either parties can go before the Arbitrator.



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7. From the reading of the above Sections, it is clear that the Act does not state that only the persons holding patta will be granted compensation. They only have to show the proof of their interest in the property. Admittedly, in all the proceedings, it is only the petitioner, who has participated and no other person has made a claim with reference to the above property. Having recognized the right of the petitioner to participate in the proceedings inviting her objections and thereafter passing orders fixing the compensation, the respondents cannot state that the petitioner has not proved her right to the property, since the name of her grandfather differs. The order of the Tahsildar clearly shows that he has carried out local investigation, from which it is clear that the father of Muthiah Thevar is one Subbiah Thevar. The respondents after taking possession and depriving the petitioner of her property are now refusing to pay the compensation to the petitioner. It is not the case of the respondents that the petitioner has not submitted the documents relating to the property. Therefore, the impugned order has to necessarily be set aside and is accordingly set aside. The respondents shall pay the money to the petitioner, as she has been recognized as a person interested in the entire proceedings within a period of 3 weeks from the date of receipt of a



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copy of this order.

8. The Writ Petition stands allowed with the above observations. No costs.

Consequently, connected Miscellaneous Petitions are closed.

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

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To

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P.T.ASHA, J.

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