



W.P.(MD) No.22950 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.22950 of 2024

M.Jesuraj

... Petitioner

Vs.

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.

2. The Tahsildar,
Thiruvadanai,
Ramanathapuram District.

3. The Commissioner,
R.S.Mangalam Panchayat Union,
R.S.Mangalam,
Ramanathapuram District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to direct the respondents 2 and 3 to consider the petitioner's representation dated 12.07.2024 requesting them to acquire the petitioner's land bearing Survey No. 104/2B, 2C and 101/4A, situated at Karuthankudi Village, Thodamangalam Group, Thiruvadanai Taluk, Ramanathapuram District



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and to pay the compensation within a time limit fixed by this Court.

For Petitioner : Mr.S.Narendravasan

For Respondents : Mr.D.Sasikumar
Additional Government Pleader

ORDER

This writ petition is filed for issuance of a Writ of Mandamus, to direct the respondents 2 and 3 to consider the petitioner's representation dated 12.07.2024 requesting them to acquire the petitioner's land bearing Survey No.104/2B, 2C and 101/4A, situated at Karuthankudi Village, Thodamangalam Group, Thiruvadanai Taluk, Ramanathapuram District and to pay the compensation.

2. The case of the petitioner is that his father owned several acres of land in various survey number in the village. The petitioner who is a retired police officer is residing at Chennai and he has been regularly coming to the village to maintain the lands that he has received by way of family arrangement deed and settlement deed. Patta has also been issued to petitioner in Patta No.1686 in respect of Survey Nos.101/4A and 73/10



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of Siruvandal village. The petitioner submitted that this father, namely, Mickal and several other villagers had donated their lands for the formation of the road to the Siruvandal village and had executed a settlement deed in favour of the third respondent on 16.05.1996. The total extent of 2583.75 square feet in Survey No.104/2B, 104/2C and 101/4 had been gifted which were all agricultural punja lands. The road has also been subsequently formed. While so, the third respondent has now taken a decision to extend the road and without acquiring the land and without paying the compensation, had started extending the road into the petitioner's patta land.

3. The petitioner had made a representation on 23.08.2021 to the respondents No.2 and 3. When the petitioner had met the third respondent in person in the 2nd week of September 2021, he was informed that the proposal of extending the road is kept in abeyance. When the petitioner had visited the village in the first week of July, 2024, the third respondent without acquiring and without paying compensation to the petitioner had demarcated the petitioner's land and erected stones



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for extending the road. The tree in the petitioner's land has also been up-rooted. All of these are taken place without the consent of the petitioner or acquiring the petitioner's land. As on date, the value of the land in the said area would be more than Rs.1,50,000/- for a cent. Therefore, the petitioner has submitted his representation on 12.07.2022 to the respondents to either acquire the lands or come forward to pay compensation. The first respondent/ the District Collector, who received the said representation had directed the petitioner to approach the second respondent / the Tahsildar. Since the respondents are not coming forward to pass orders based on his representation, the petitioner had approached this Court.

4. Heard the learned Counsel on either side and perused the records.

5. It is needless to state that if the property belongs to the petitioner and the respondents proposed to lay the road in the petitioner's property, the same can be done only after acquiring the same and paying



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the compensation. The compensation can be paid even through a private arrangement. However, without doing the above, the act if alleged is true has to necessarily be set aside. However, the petitioner has only sought to consider his representation and orders to be passed.

6. Accordingly, this Writ Petition is allowed with a direction the official respondent shall consider the petitioner's representation dated 12.07.2024 and pass orders within a period of four (4) weeks from the date of receipt of a copy of this order. No costs.

26.09.2024

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

jbr



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P.T.ASHA, J.

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To

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