



W.P.(MD) No.23452 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.10.2024

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THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.P.(MD) No.23452 of 2024

M.Dharma Raj

... Petitioner

/vs./

- 1.The District Collector,
Madurai.
- 2.The District Revenue Officer (Land Acquisition Highways),
Baskaran Complex,
Chinnachokkikulam,
Madurai.
- 3.The Revenue Divisional Officer,
Collectorate Complex,
Madurai.
- 4.The Special Tahsildar (Land Acquisition Highways),
Baskaran Complex,
Chinnachokkikulam,
Madurai.
- 5.Ramu
- 6.Ganeshan

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7.Ranjithkumar

8.Prasath

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 2 and 4 to recover the compensation amount paid to the respondents 5 to 8 in respect of Survey No. 37/7A Thoppadi, Vliacheri village, Nagamalaipudukottai Utkadai, Madurai West Taluk, Madurai and deposit the said amount in O.S.641 of 2023 on the file of Sub-Court Thirumangalam, Madurai.

For Petitioner : Mr.V.P.Rajan

For R1 to R4 : Mr.D.S.Nedunchezian
Government Advocate

ORDER

The above writ petition has been filed for the issue of a Writ of Mandamus directing the respondents 2 and 4 to recover the compensation amount paid to the respondents 5 to 8 in respect of the land in S.No.37/7A Thoppadi, Vliacheri village, Nagamalaipudukottai Utkadai, Madurai West Taluk, Madurai and deposit the said amount in O.S.641 of 2023 on the file of Sub-Court Thirumangalam, Madurai.



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2. The petitioner's contention is that the property in question originally belonged to his grandfather, Muthuservai, who had settled the property on the petitioner's mother, Ammachellam @ Valliyammal under a registered gift deed dated 06.06.1956 by both Muthuservai as well as his wife, Sadachi @ Valliyammal. His mother was in possession and enjoyment of the property till her demise on 27.06.2003, whereupon the property devolved upon the petitioner, his brother, Sekaran and Sister Ponnarasi.

3. The petitioner's contention is that the respondents 5 to 8 are none else than their own cousins, who had created forged documents and had the revenue records mutated in their favour. The lands were notified for acquisition by the respondents 2 and 4 for laying the outer ring road at Madurai vide notification dated 13.09.2022. The petitioner's land comprised in S.No.37/7A measuring an extent of 47 cents was also a part of the acquisition proceedings. As the revenue records stood in the name of Poochi @ Irulayee Ammal, the mother and grandmother of respondents 5 to 8, the notice relating to the acquisition proceeding has been addressed to them and the petitioner was kept in dark. On



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coming to know about it, he had filed a suit O.S.No.641 of 2023 on the file of the Sub Court, Thirumangalam, to declare the documents as null and void and for other reliefs. The trial Court had ordered notice on the private respondents and it was then that the petitioner became aware of the land acquisition proceedings. He had submitted a representation to the Official respondents on 09.04.2024 asking them not to disburse the compensation. However, the compensation had been disbursed on 09.05.2024 and therefore, the petitioner has come forward with the above writ petition.

4. Heard the learned counsel on either side.

5. Even according to the petitioner, the revenue records do not stand in their name. They have not taken any steps to have the revenue records mutated in the name of his mother Ammachellam @ Valliyammal, in whose favour the property had been gifted as early as in the year 1956. Even after the demise of their mother in the year 2003, the petitioner and his siblings have not taken any steps to have the patta mutated in their favour, whereas the respondents 5 to 8 have got the revenue records mutated in their favour. Whether such mutation is on



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the basis of the forged document or otherwise is the subject matter in the suit O.S.No.641 of 2023.

6. The main ground on which a Mandamus is sought for is that despite the communication sent on 09.04.2024, the amounts have been disbursed by the respondents 2 and 4 on 09.05.2024. Nothing has been produced to show that this communication has been served on the Official respondents. That apart, having instituted the suit, the petitioner ought to have moved an application for injunction when he came to know about the acquisition proceedings. The petitioner who has not complied with the procedure known to law seeks to recover the money from the respondents 2 and 4, who have in exercise of the statutory duty cast upon them released the compensation to the persons, whose names have been recorded in the revenue records. Therefore, the petitioner has to only workout his remedy in the suit. The google map photographs, which was produced by the learned Government Advocate for the consideration of this Court, are taken on file and shall form part of this order.



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7. In fine, the Writ Petition is not maintainable and is accordingly, dismissed. No costs.

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

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P.T.ASHA, J.

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