



WP(MD)No.24064 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.24064 of 2024

M.Nareshkumar

.. Petitioner

v.

1.The District Collector,
Dindigul District.

2.The Revenue Divisional Officer,
Dindigul District.

3.The Assistant Director (Village Panchayat),
District Panchayat,
Collectorate Dindigul,
Dindigul District.

4.The Block Development Officer,
Thoppampatti Panchayat Union,
Dindigul District.

5.The Assistant Divisional Engineer,
Office of the Highway (Construction and Maintenance),
Highway Department,
Palani,
Dindigul District.

.. Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents to provide adequate land acquisition compensation or alternative land to the petitioner for the acquisition of the petitioner's land in S.F.No.347/2B2, based on the petitioner's representation dated 22.07.2024.

For Petitioner : Mr.S.Karthik

For Respondents : Mr.B.Saravanan,
Additional Government Pleader

ORDER

The petitioner claims that the land in S.No.347/2B2, Puliampatti Village, Palani Taluk, Dindigul District, is his patta land and the respondents, while laying a road in a nearby cart-track, has also laid road in a portion of his property. Therefore, the petitioner has submitted a representation on 22.07.2024 seeking compensation for the land, which has been taken by the Panchayat or to provide an alternative land. Alleging that there is no action on his representation, the petitioner has filed this writ petition.



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2.Learned Counsel for the petitioner submitted that the land in S.No. 346 is an agricultural land and adjacent to the petitioner's agricultural land, a cart-track is available. The respondent / Panchayat has laid a fresh road in the cart-track and while doing so, they have also encroached certain portion of the petitioner's land. Only after measuring the land, the petitioner came to know about this encroachment and has submitted the representation.

3.Mr.B.Saravanan, learned Additional Government Pleader takes notice for the respondents and submitted that the road referred by the petitioner was a Highways Road and was laid 40 years back. It was laid by the Panchayat and was handed over to the State Highways Department. The petitioner has now approached this Court, after a delay of 40 years.

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



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5.The petitioner claims that without any acquisition and without paying any compensation or whatsoever, a road was laid by the Panchayat in his patta land. Learned Additional Government Pleader, on the other hand, claims that the road was laid by the Panchayat, however, it is now vested with the State Highways Department.

6.Be that as it may, in the event, if any portion of the petitioner's patta land has been utilized by the respondents for laying road, it has to be identified by conducting proper survey and necessary compensation has to be provided to the petitioner.

7.Therefore, this Court dispose of this writ petition with a direction to the second respondent to consider the petitioner's representation dated 22.07.2024 and pass appropriate orders, after affording due opportunity of hearing to the petitioner and after conducting proper survey, within a period of four months from the date of receipt of a copy of this order.



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There shall be no order as to costs.

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

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B.PUGALENDHI, J.

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