



W.P (MD).No.25110 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2024

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P (MD).No.25110 of 2024

B.Ramachandran

...Petitioner

Vs.

- 1.The Project Director,
National Highway Authority of India,
Karaikudi.
- 2.The Special District Revenue Officer,
(Land Acquisition),
National Highway Authority of India,
Pudukottai.
- 3.The Tahsildar,
(Land Acquisition),
National Highway Authority,
Sivagangai.
- 4.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.
- 5.The District Registrar,
Karaikudi Registrar Office,
Karaikudi,
Sivagangai District.
- 6.The Sub-Registrar Joint II,
Karaikudi,
Sivagangai District.



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7.Mariya Sengol

(the 7th respondent is impleaded as per
the order of this Court, dated 25.11.2024

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the sixth respondent to rectify the error vide entry No.1, dated 30.08.2024 reflecting in the encumbrance certificate pursuant to the land in Survey No.301/4A1A further divided into 301-49A1 and now subdivided as Survey No.301/117, Plot No.150, Thiruvelangudi Village, Karaikudi Circle, Sivagangai District.

For Petitioner	: Mr.S.Bageerathan
For R1	: Mr.P.Karthick
For R2 to R6	: Mr.S.P.Maharajan
	Special Government Pleader
For R7	: Mr.RM.Arun Swaminathan

ORDER

This writ petition has been filed for a direction directing the 6th respondent to rectify the error reflecting in the encumbrance certificate in respect of the property comprised in Survey No.301/4A1A further divided into 301-49A1 and now subdivided as Survey No.301/117, Plot No.150, Thiruvelangudi Village, Karaikudi Circle, Sivagangai District.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.



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3. The house plot No.150 comprised in Survey No.301/4A1A further divided into 301-49A1 and now sub-divided as Survey No.301/117, situated at Thiruvelangudi Village, Karaikudi Circle, Sivagangai District was purchased by the petitioner by a registered sale deed, dated 11.07.2024. The petitioner was also issued patta for the subject property. However, in which, the Encumbrance Certificate stated that the subject plot was acquired for the purpose of National Highways. Therefore, the petitioner submitted a representation to remove the wrong entry made in the Encumbrance Certificate.

4. The learned counsel for the newly impleaded 7th respondent would submit that the Plot No.150 purchased by the petitioner was acquired long back and the petitioner is a third purchaser after acquisition. Plot No.150 was acquired even in the year 2011 itself. While being so, the petitioner is attempting to encroach the Plot No.149, which was purchased by the impleading petitioner/7th respondent.

5. The learned Special Government Pleader appearing for the respondents 2 to 6 would submit that the Plot No.150 was acquired by the National Highways, but no issue of identity of plot numbers. Unfortunately, even after the acquisition, the revenue records stand in the name of the earlier



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vendors and as such, the petitioner had purchased the same. As per the sale deed, the revenue records were mutated and the petitioner was issued with patta.

6. On a perusal of the report submitted by the third respondent revealed that the Plot No.150 comprised in Survey No.301/4A1A further divided into 301-49A1 and now sub-divided as Survey No.301/117, situated at Thiruvelangudi Village, Karaikudi Circle, Sivagangai District admeasuring 222.96 sq.ft was already acquired for the purpose of National Highways. Therefore, there is no issue of identity of plots between Plot Nos.149 and 150 and the impleading 7th respondent is in possession and enjoyment of Plot No. 149. He further submitted that as per the direction issued by this Court in W.P(MD)No.24180 of 2024 filed by the 7th respondent herein now the Sub-Collector, Devakottai is proceed with the same and about conclude the same.

7. That apart, on the objections raised by the 7th respondent, this Court directs the Sub-Collector, Devakottai to conduct an enquiry and take a decision in this matter within a period of four weeks from the date of receipt of a copy of this order.



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8. In view of the above, the prayer sought for by the petitioner cannot be granted and this writ petition is devoid of merits and it is liable to be dismissed.

9. Accordingly, this writ petition is dismissed. No costs.

Internet : Yes
Index : Yes/No
Speaking/Non Speaking order
am

25.11.2024

To

- 1.The Special District Revenue Officer,
(Land Acquisition),
National Highway Authority of India,
Pudukottai.
- 2.The Tahsildar,
(Land Acquisition),
National Highway Authority,
Sivagangai.
- 3.The Revenue Divisional Officer,
Devakottai,
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- 4.The District Registrar,
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Karaikudi,
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G.K.ILANTHIRAIYAN, J.

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