



W.P.(MD) No.20135 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.20135 of 2017

M.Shankar

.. Petitioner

Vs.

1.The Special District Revenue Officer
Land Acquisition (National Highways),
Old Building, Collectorate Campus,
Trichirapalli.

2.The Special Tahsildar (Land Acquisition),
Four Lane Road, No.45C,
Tanjore – Vikravandi (Wing 5),
Gandhiji Road,
Tanjore.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents to grant compensation to the petitioner for acquitting 2300 square feet of land out of 2400 square feet bearing Plot No.97, S.No.253/4B Nanjikottai Village, Tanjore Taluk, Tanjore District which was acquired for the purpose of four Lane National Highway and its expansion in the year 2008 and 2014 respectively.



W.P.(MD) No.20135 of 2017

WEB COPY

For Petitioner : Mr.C.K.M.Appaji
For Respondents : Mr.P.Thambidurai
Government Advocate

ORDER

The petitioner has moved this Court seeking a mandamus to the respondents to grant him compensation for acquiring 2300 square feet of land out of 2400 square feet bearing Plot No.97 comprised in S.No. 253/4B Nanjikottai Village, Tanjore Taluk, Tanjore District which had been acquired for the purpose of four land National Highway and its expansion in the year 2008 and 2014 respectively.

2. The petitioner would submit that he had purchased the property on 26.10.1985 for valuable consideration from its owner Narendra Joshi and others represented by their power of attorney P.Sekar. The petitioner was put in possession and occupation of the property ever since the date of purchase. The petitioner would submit that he was working in the Tanjore branch of Bank of Madura at the time of his purchase. Thereafter, transferred to Salem wherein he has been working till the



W.P.(MD) No.20135 of 2017

filing of the writ petition. During the year 2008, 1880 sq.ft of land was acquired from his plot for the purpose of laying Four Lane National Highway road. Since the petitioner was residing at Salem, he was completely in the dark about the acquisition proceedings and it was only in the year 2008 that he had come to know about the same and therefore, on 30.06.2008, he made a representation to the 2nd respondent calling upon the 2nd respondent to pay compensation to him. However, the matter was dragged on.

3. Thereafter in the year 2014, a further extent of 420 sq.ft of land was acquired for the purpose of expansion. Once again, the petitioner was not in the know-how of the same and when he came to know about the same on 24.07.2015, he had made a representation to the 1st respondent to disburse the compensation. By letter, dated 04.08.2015, the 1st respondent had issued a letter to the 2nd respondent to initiate appropriate action on his representation. Later, the petitioner came to know that his power of attorney of his vendor P.Sekar had once again sold the very same property to his wife, namely Geetha and got the



W.P.(MD) No.20135 of 2017

WEB COPY

revenue records mutated in her name and had taken away the compensation. Therefore, the petitioner would submit that the acquiring authority have not discharged their duty in a transparent manner and has given compensation to the person who is not the owner.

4. The counter affidavit has been filed by the 2nd respondent wherein it is stated that the lands were acquired by following the procedure contemplated in the Land Acquisition Act with the publication of the 4(1) notification, (6) declaration etc., As per the revenue records, the properties stood in the name of Geetha w/o Sekar. She had attended the proceedings and produced evidence of the purchase of the property. Thereafter, compensation in respect of Survey No.253/4B was granted to her. The petitioner's name is not reflected in the revenue records.

5. Heard the learned counsel on either side.

6. Admittedly, the petitioner after his purchase in the year 1985 has not taken any steps to have the revenue records mutated in his name and



W.P.(MD) No.20135 of 2017

WEB COPY

not visited the property. The respondents have disbursed the money to the person who has shown his ownership and right to the property acquired. It appears that the power of attorney who had sold the property to the petitioner has committed an act of fraud by selling the very same property to his wife and suppressing the earlier sale in favour of the petitioner, has taken away the compensation. Therefore, the remedy available to the petitioner is not against the respondents herein, but only against the person who has committed fraud by filing appropriate proceedings.

7. Therefore, this Writ Petition stands dismissed. No costs.

23.09.2024

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

To

1. The Special District Revenue Officer
Land Acquisition (National Highways),
Old Building, Collectorate Campus,
Trichirapalli.



WEB COPY



W.P.(MD) No.20135 of 2017

P.T.ASHA, J.

gbg

2.The Special Tahsildar (Land Acquisition),
Four Lane Road, No.45C,
Tanjore – Vikravandi (Wing 5),
Gandhiji Road,
Tanjore.

W.P.(MD) No.20135 of 2017

23.09.2024