



W.P.No.1736 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 03.03.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.1736 of 2022

S.Santhanamoorthi

.. Petitioner

Vs.

1.The District Collector,
Cuddalore.

2.The Sub-Collector,
Vridachalam.

3.The Tahsildar,
Vridachalam.

4.The Divisional Engineer,
(Construction and Maintenance),
Highways Department, Cuddalore.

5.The Assistant Divisional Engineer,
Vridhachalam Sub-Division,
Highways Department,
Virudhachalam.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the order dated 24.11.2021 in Na.Ka.No.347/2021/A3 of the 4th respondent herein and quash the same and consequently direct



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the 4th respondent herein to pay compensation to the petitioner in respect of his lands of an extent of his lands of an extent of 0.41.00 hectares in Town Survey No.31/3 Manalur, Vridhachalam Taluk, Cuddalore District.

(Prayer amended vide order dated 22.02.2022 made in W.M.P.No.3136 of 2022 in W.P.No.1736 of 2022)

For petitioner : Mrs.AL.Ganthimathi
Senior Counsel

For Respondents : Mr.M.R.GokulKrishnan
Additional Government Pleader

ORDER

This writ petition has been filed challenging the proceedings of the 4th respondent dated 24.11.2021 and for a consequential direction to the 4th respondent to pay compensation to the petitioner with respect to the subject property in T.S.No.31/3 measuring to an extent of 0.41.00 hectares at Manalur, Vridhachalam Taluk, Cuddalore District.

2.The specific case of the petitioner is that the subject property was originally owned by one Seperumal in whose name the patta stood. Subsequent to his demise, his sons inherited the property and they



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executed a power of attorney in favour of one Elumalai on 04.08.2003.

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Based on the same, the registered sale deed dated 14.11.2005 was executed in favour of the petitioner. Pursuant to the purchase of the property, the petitioner is in possession and enjoyment of the same and he also mutated the revenue records in his name.

3.The grievance of the petitioner is that in the year 2006, the Highway Authorities started putting up a road by encroaching upon the property belonging to the petitioner to an extent of one acre and one cent. The road was laid and the work was completed in the year 2009. The petitioner made representations seeking for the payment of compensation for the extent of road which was encroached and in which Tar road was laid. For nearly 10 years, repeated representations were made. In the year 2021, the 5th respondent informed the petitioner that the lands were taken over by the Highways Department even before 1997 and that the lands at that time stood in the name of Seperumal and subsequently, it was sub divided with respect to T.S.No.31/3 measuring 0.41.00 hectares, the lands was classified as road and therefore, a notice was also issued under Section 9(2) to the said Seperumal, who did not give any objections. Thereby, the land was already put to use by the general public and that



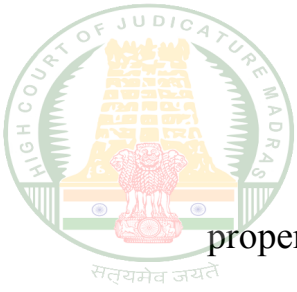
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the petitioner had come into the scene only in the year 2005. It is under these circumstances, the present writ petition has been filed before this Court.

4.Heard the learned Senior Counsel for the petitioner and the learned Additional Government Pleader for the respondents.

5.The specific case of the petitioner is that the subject property continued to remain in the name of the private persons and inspite of the same, a portion of the property to an extent of one acre and one cent was encroached and the road was laid. This was done without resorting to any acquisition proceedings and the road was also put to use and therefore, the petitioner is claiming compensation for the same.

6.The stand taken by the respondents is that originally the land to an extent of 2.97 acres in R.S.No.31/1 and 0.37 acres in R.S.No.32/1 belonged to Seperumal, who got a free patta from the Government for the said lands in the year 1962. Only after his demise, his sons had executed a sale deed in favour of the petitioner through a registered sale deed on 14.11.2005. However, by the time the petitioner had purchased the



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property, the road had already been laid by the Highways Department and it was operational even prior to 1991-1992. The road is also under the control of the Vridhachalam Highways & Rural Works Sub Division. In view of the same, the respondents are taking a stand that what has been purchased by the petitioner is only a road and when such a road came into existence, it was not even objected by the original owner Seperumal and hence, it is too late for the petitioner, who came into scene in the year 2005 claiming for payment of compensation.

7.The specific case of the petitioner is that the property was being put to use as a road, but however in the revenue records, it continued in the name of a private individual. The specific stand taken by the respondents is that the road was operational even prior to 1991-1992 when Seperumal was the owner of the property. When he was the owner of the property, he did not make any objections towards the property being put to use as a road. In such a case, what has been purchased by the petitioner is virtually a road and the only advantage that is now claimed by the petitioner is that it continued to stand in the name of the individual in the revenue records.



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8.What is to be seen in the present case is as to whether at the time when the property was purchased by the petitioner, it was being put to use as a road or it became operational only after the petitioner purchased the property. According to the petitioner, the subject property was used only as an alternative road in order to tide over a situation and it always continued to remain in the name of an individual. Originally it stood in the name of Seperumal and subsequently, the revenue records were mutated in the name of the petitioner.

9.The fact remains that the petitioner was aware that the property in question was being put to use as a road. Inspite of the same, the petitioner had chosen to purchase the property in the year 2005. With the available materials, it is seen that the petitioner is not an illiterate person and he is a well informed person, which is evident from his letter head, which is available at Pg.No.50 of the typed set of papers.

10.It is also important to take note of the fact that the petitioner has been making representations for nearly 10 years and he never chose to knock the doors of the Court at the earliest point of time. The fact that the petitioner had slept over his right and had virtually purchased a



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property which was actually used as a road by the general public, cannot be granted the relief as sought for in the writ petition.

11.Considering the facts and circumstances of the case, this Court is not inclined to exercise its discretion and grant the relief in favour of the petitioner.

12.In the light of the above observation, the relief as sought for by the petitioner cannot be granted by this Court. Accordingly, this Writ Petition stands dismissed. No costs.

03.03.2025

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

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- 2.The Sub-Collector, Vridachalam.
- 3.The Tahsildar, Vridachalam.



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N.ANAND VENKATESH, J.

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