



W.P.No.2171 of 2019

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.2171 of 2019

and

W.M.P.No.2416 of 2019

R.Palanivel

.. Petitioner

Vs.

- 1.The Competent Authority &
District Revenue Officer,
Collectrate Building,
Namakkal District.
- 2.The Special Tahsildar (Land Acquisition),
National Highways (Unit-I),
Namakkal.
- 3.The Project Director,
National Highways Authority of India,
PIU, Salem,
Door No.212-3/D3-1, Sri Nagar Colony,
Narasothipatti, Salem – 636 004.

.. Respondents

(R3 impleaded as per order dated
10.03.2025 in W.M.P.No.37674 of
2024 in W.P.No.2171 of 2019)

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus to call for the entire



W.P.No.2171 of 2019

WEB COPY

records pertaining to the communication sent by the 1st respondent dated 20.06.2018 in Na.Ka.11270/2008/H-4 and quash the same and consequently direct the respondents to determine and issue the compensation to open well situated in petitioner's land comprised in S.No.77/4A of Moolakadu Village, Rasipuram Taluk, Namakkal District under National Highways Act, 1956.

For Petitioner : Mr.S.Senthil
For RR 1 & 2 : Mr.P.Sathish
Additional Government Pleader
For R3 : Mr.SU.Srinivasan

ORDER

This writ petition has been filed challenging the impugned communication dated 20.06.2018 and for a consequential direction to the respondents to determine and pay the compensation for the open well situated in the subject property.

2.When the matter came up for hearing on 27.06.2024, this Court passed the following order:

“The writ petition is filed for a direction to the respondents to pay compensation to open well situated in petitioner's land comprised in S.No. 77 of 4A of Moolakadu Village,



WEB COPY



W.P.No.2171 of 2019

Rasipuram Taluk, Namakkal District under National Highways Act, 1956.

2.In this case, there is no valuation report on the side of the Government determining the value of the open well. The valuation report submitted by the petitioner is the private value report. According to which, the value of the open well is Rs.8,38,500/- This Court cannot accept the same and value of the open well has been determined only by the Government Valuer. Hence, the second respondent is directed to inspect the property and value the open well with the concerned Experts from the Public Works Department and file the report before this Court on 19.07.2024.

3.Post the case on 19.07.2024.”

3.Pursuant to the above order, a compliance affidavit has been filed by the 1st respondent and the relevant portions are extracted hereunder:

“12) It is respectfully submitted that as per the above order of the Hon'ble High Court of Madras, 1)The Competent Authority / District Revenue Officer, 2)Tahsildar, Rasipuram Taluk and 3)Assistant Director(Geology), Ground Water Division, Water Resource Department jointly inspected the above SF. No. 77/4A on 23.07.2024. At the time of inspection, there is no well in the SF No.77/4A, as claimed by the Writ Petitioner.



WEB COPY



W.P.No.2171 of 2019

13) *It is respectfully submitted that the Assistant Director (Geology), Ground Water Division, Water Resource Department has submitted his report that, there is no well the land situated in S.No 77/4A and since there is no well in the above field, unable to measure and evaluate the rock structure and measurements like length, width, depth etc. of the well.*

14) *It is respectfully submitted that in the field survey no.77/4, during the time of the Updating Registry Scheme, an open well has been mentioned in the Field Measurement Book. As per the order of the Hon'ble High Court of Madras, a field enquiry was done and the local people were enquired. It has been ascertained that the land owners Thiru.Muthusamy and Thiru.Palanivel, S/o.Raja gounder, have sold this land to one Thiru.LoveO Nagarajan and two others, through unregistered sale deed and the purchasers have levelled this land for selling the land as house sites. During this exercise, these persons have closed the open well in the survey no. 77/4 with mud. After these activities, a quarrel has occurred between the original land owners and the real estate promoters and as a result of this, a civil dispute is also pending in the Court. In the field enquiry with the local people, it has been revealed that the open well in the survey no. 77/4 has been closed even before the year 2000, but, the local people have refused to give written statement. Hence, it is submitted that during the time of notification u/s 3A(1) for land acquisition in the year 2007, there was no open well in the survey no. 77/4.*



WEB COPY



W.P.No.2171 of 2019

15) It is respectfully submitted that the encumbrance certificate of SF. No.77/4A was also perused and no well has been mentioned in the mortgage deed No. 549/2006 registered on 01.03.2006 by Mr. Palanivel in Primary Agricultural Co-oprative Bank, Masakalipatti, Rasipuram Taluk, Namakkal District. In this regard, it is evident that there was no well in the above land since 2006.”

4.In the light of the specific stand that has been taken by the respondents after conducting the inspection, the relief sought for by the petitioner cannot be granted by this Court.

5.In the result, this Writ Petition is dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

10.03.2025

(2/2)

krk

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



WEB COPY



W.P.No.2171 of 2019

N.ANAND VENKATESH, J.

krk

To

- 1.The Competent Authority &
District Revenue Officer,
Collectrate Building,
Namakkal District.
- 2.The Special Tahsildar (Land Acquisition),
National Highways (Unit-I),
Namakkal.
- 3.The Project Director,
National Highways Authority of India,
PIU, Salem,
Door No.212-3/D3-1, Sri Nagar Colony,
Narasothipatti, Salem – 636 004.

W.P.No.2171 of 2019

10.03.2025

(2/2)