



W.P.(MD)No.1447 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2025

CORAM

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD)No.1447 of 2023
and WMP(MD) No.1328 of 2023

B.Narayani Amma

... Petitioner

Vs.

1.The District Collector/Land Acquisition Officer,
Kanyakumari District,
Nagercoil.

2.The Special Tahsildar Land Acquisition Railway Wing-2,
Eraniel Division,
Pallivilai, Vetturnimadam,
Nagercoil,Kanyakumari District.

3.The Tahsildar,
Kalkulam Taluk,
Thuckalay, Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to notify the petitioner's house property bearing Door.N.1-139, Nullivilai Panchayat, comprised in R.S.No.647/18C, Nullivilai-A-Village, Kalkulam Taluk, Kanyakumari District admeasuring 2.5 cents under Section 3(1) of the TamilNadu Acquisition of Land for Industrial Purpose Act, 1997 acquired for the purpose of converting the Trivandrum - Kanyakumari broad gauge Railway track into double track and accord personal hearing and grant compensation for the acquisition of petitioner's property based on the representation date 28.12.2022.



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For Petitioner : Mr.C.K.M.Appaji
For R1 to R3 : Mr.A.Kannan
Additional Government Pleader

ORDER

The writ petition has been filed for a mandamus directing the respondents to notify the petitioner's house property bearing Door.N.1-139, Nullivilai Panchayat, comprised in R.S.No.647/18C, Nullivilai-A-Village, Kalkulam Taluk, Kanyakumari District measuring 2.5 cents under Section 3(1) of the TamilNadu Acquisition of Land for Industrial Purpose Act, 1997 acquired for the purpose of converting the Trivandrum - Kanyakumari broad gauge Railway track into double track.

2. The petitioner states that the respondent conducted survey and earmarked the lands for acquisition for the purpose of railway double track. In spite of the same, the petitioner's property was excluded in the list of properties for acquisition which caused great agony to the petitioner. As the petitioner's land was earmarked at the time of survey for acquisition, the petitioner feared that the respondent would demolish his house property, without following the procedure contemplated under Tamil Nadu Acquisition of Land for Industrial Purpose Act, 1997. The petitioner therefore filed the above writ petition for the aforesaid relief.



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3. The learned Additional Government Pleader on written instructions submits that the petitioner's property in S.No.647/18C was not acquired and therefore the petitioner was not given any notice of acquisition. The learned Additional Government Pleader further submitted that in case the petitioner's land was needed in future, the same would be acquired as per law.

4. In view of the above submission made by the learned Additional Government Pleader appearing for the respondents, the apprehension of the petitioner that his house would be demolished without following the procedure for acquisition in my view is baseless.

5. The aforesaid submission of the learned Additional Government Pleader is recorded. The petitioner is given liberty to approach this Court in case of any violation by the respondents of the aforesaid statement.

6. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

23.01.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
CM



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To:
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- 3.The Tahsildar,
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N.MALA, J.

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