



W.P.(MD)No.2503 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2025

CORAM

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.2503 of 2025

and

W.M.P.(MD)Nos.1758 & 1759 of 2025

R.Marimuthu

: Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Revenue Divisional Officer,
Dindigul District,
Dindigul.

3.The Special Tahsildhar,
National Highway Plan No.07 and 209,
Dindigul West Tauk,
Dindigul District.

4.The Project Director,
National Highway Plan No.07 and 209,
Extension work project,
National Highway Department,
Dindigul District.



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5.The Tahsildar,
Dindigul West Tauk,
Dindigul District.

: Respondents

*(R4 cause title is amended vide court order dated.25.03.2025 in
WMP(MD).5941/2025 in WP(MD).2503/2025 by PBBJ)*

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying this Court to issue of Writ of Certiorarified Mandamus to call for the entire records pertaining to the 5th respondent order in his proceeding Na.Ka.No.3884/2024/F dated 06.12.2024 and quash the same as illegal and further directing the 5th respondent to survey the land in S.No.606/9, 10 at Siran Kadu Dindigul West Taluk, Dindigul District, based upon the petitioner's representation dated 01.07.2024 within a stipulated time as may be fixed by this court.

For Petitioner : Mr.S.Krishnan

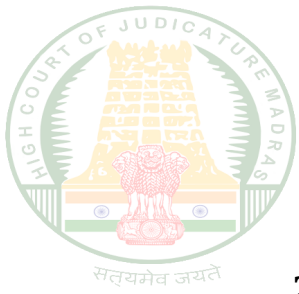
For Respondents 1,2&5 : Mr.S.Kameswaran

Government Advocate

For Respondents 3 & 4 : Mr.P.Karthick

ORDER

The petitioner seeks to quash the order on the file of the fifth respondent in Na.Ka.No.3884/2024/F dated 06.12.2024, with a further direction to the fifth respondent to survey the lands in S.No. 606/9, 10 at Siran Kadu Dindigul West Taluk, Dindigul District.



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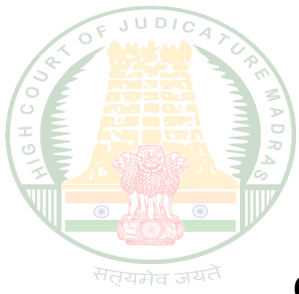
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2. Heard the learned Counsel for the petitioner and Mr.S.Kameswaran, learned Government Advocate appearing for the respondents 1, 2 & 5 and Mr.P.Karthick, learned Counsel appearing for the respondents 3 & 4.

3. Subsequent to the last hearing, learned Counsel for the petitioner has produced the original sale deed in respect of the petitioner's lands measuring to an extent of 1 acre 20 cents.

4. The grievance of the petitioner is that out of the total extent of lands belonging to the petitioner, an extent of 70 cents alone was acquired and remaining property is under the physical occupation and possession of the writ petitioner. Only in that regard, the petitioner has sought for survey to be conducted in order to mark the land physically and in order to enable the petitioner to enjoy the remaining land, post the lands that have been lost by way of acquisition proceedings.

5. I have gone through the order impugned in the Writ Petition. The authority has proceeded to reject the application of the petitioner holding that the National Highways has already acquired the entire land belonging to the petitioner and there is no available excess land as contended by the petitioner.



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6.Learned Government Advocate also submits that the petitioner has been paid due compensation for an extent of 20844 sq.mts that has been acquired from the writ petitioner already and therefore, there is no interference warranted and no exception can be taken to the order impugned in the Writ Petition. The fact that the petitioner is still holding the original sale deed gave a *prima facie* intimation that his entire holdings have not been acquired. Further, the impugned order though refers to survey been conducted, the details of the same have not been spelt out and according to the petitioner, the survey was not conducted in his presence.

7.In view of the fact that the petitioner has been able to show his bonafides by producing the original sale deed before this Court and taking into account that the survey was conducted in his absence, the Writ Petition is disposed of with the following direction:

“The fifth respondent shall carry out physical inspection and conduct a survey in the presence of the writ petitioner and the Highways Department and ascertain whether any lands are still available in the occupation of the writ petitioner and if so, the fifth respondent shall take steps to demarcate the said property. If the fifth respondent finds that there no excess lands available and all the lands



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*have already been acquired by the Highways, then
necessary consequential order may be passed."*

There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

28.03.2025

Index :Yes / No

Internet : Yes / No

NCC : Yes/No

MR



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