



W.P.(MD)No.4591 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.(MD)No.4591 of 2023

and

W.M.P.(MD)No.19597 of 2023

S.Kathirvel Murugan

... Petitioner

-VS-

1.The District Collector,
Thenkasi District.

2.The Revenue Divisional Officer,
Thenkasi District.

3.The Divisional Engineer,
Highways Department,
Thenkasi.

4.The Assistant Divisional Engineer,
Highways Department,
Thenkasi.

5.The Tahsildhar,
Kadayanallur Taluk,
Thenkasi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pay appropriate



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compensation within a reasonable time period to be fixed by this Court towards the forcible acquisition made in the petitioner's private patta land in Survey No. 76/3 ad measuring 66 cents in Poigai Village, Kadayanallur Taluk, Thenkasi District, that had been taken over by the Government for putting up road without any due process.

For Petitioner : Mr.N.Dilip Kumar
For R1, R2 and R5 : Mr.C.Satheesh
Government Advocate
For R3 and R4 : No Appearance

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus, directing the respondents to pay appropriate compensation, within a time to be fixed by this Court, for the forcible acquisition alleged to have been made in the petitioner's private patta land in Survey No.76/3, admeasuring 66 cents in Poigai Village, Kadayanallur Taluk, Tenkasi District, which is claimed to have been taken over by the Government for putting up a road without following due process of law.



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2. The learned counsel for the petitioner submits that the respondents are now attempting to expand the existing road and, in the process, are seeking to take over the petitioner's land without initiating any acquisition proceedings and without payment of compensation. Hence, the present Writ Petition has been filed.

3. However, the learned Government Advocate appearing for the respondents 1, 2 and 5 submits that 29 cents of the petitioner's land had been acquired by the respondents nearly 60 years ago, and the road had been laid over a portion of the said land. According to the respondents, a part of the acquired land was kept vacant for future expansion, and that portion is now under the occupation of the petitioner. It is only when the respondents attempted to extend the road within the boundaries of the Highways Department that the petitioner raised a claim as though the land belongs to him. The learned Government Advocate further submits that the entire 29 cents was acquired earlier, not only the area where the road was laid and therefore, the petitioner cannot now contend that the respondents are encroaching upon his land without due process. Nevertheless, the learned Government Advocate fairly submits that if the



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respondents are required to acquire any land over and above the 29 cents already acquired, they are ready and willing to pay compensation in accordance with law.

4. Considering the submissions made on either side, it is evident that 29 cents of land was acquired nearly 60 years ago, which fact is admitted by both parties. According to the petitioner, the entire 29 cents was utilized for laying the road and no portion remains vacant. However, according to the respondents, only a part of the land was used for laying the road and the remaining portion was left vacant and is now sought to be used for road expansion. The petitioner contends that such action amounts to fresh acquisition without due process of law and without payment of compensation.

5. As rightly submitted by the learned Government Advocate appearing for the respondents 1, 2 and 5, if the respondents intend to acquire any land over and above the 29 cents already acquired, the petitioner would be entitled to compensation. This aspect can be ascertained only after conducting a proper survey by the Tahsildar. The petitioner is therefore granted liberty to make an application for conducting such survey. Upon such application being filed, the



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Tahsildar / the fifth respondent herein shall conduct a survey of the land, including the 29 cents allegedly acquired earlier. If it is found that the respondents intend to utilize any extent of land beyond the 29 cents already acquired, the petitioner shall be entitled to compensation, and the respondents are directed to pay such compensation in accordance with law.

6. The Writ Petition stands disposed of with the above observation. No costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No
Index : Yes / No
smn2
To:-

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- 1.The District Collector,
Thenkasi District.
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5.The Tahsildhar,
Kadayanallur Taluk,
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KRISHNAN RAMASAMY, J.

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