



W.P.(MD)No.15920 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.01.2025**

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.15920 of 2022
and
W.M.P.(MD)No.11496 of 2022

1. Mohammed Nasurulla
2. Hidayathullah, ... Petitioners
/Vs./

1. The District Collector
Thanjavur District,
Thanjavur.
2. The Assistant Director of Town Panchayats,
Panagal Buildings, Thanjavur.
3. The Executive Officer,
Thirunageswaram Town Panchayat,
Kumbakonam Taluk,
Thanjavur District. ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 3rd respondent to execute an Exchange Deed conveying the property consisting of Survey No. 6/2 and Survey No. 117/1A to an extent of 5193 sq.ft. land of Ashok Nagar ,



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Thirunageswaram Village, Kumbakonam Taluk, Thanjavur District, to the petitioners in lieu of the land situated in Survey No. 16/11 Sannapuram Village, Thirunageswaram Taluk, Thanjavur District, to an extent of 0.14 Acre which were taken away by the 3rd respondent and constructed Daily Market as per the the Resolution No.100 dated 27.09.2007 passed by the 3rd respondent Town Panchayat.

For Petitioners : Mr.K.Gnanasekaran

For Respondents : Mr.D.Gandhi Raj

Special Government Pleader

ORDER

This Writ Petition has been filed for a direction, directing the third respondent to execute an exchange deed conveying the property consisting of Survey No. 6/2 and Survey No. 117/1A to an extent of 5193 sq.ft. land of Ashok Nagar , Thirunageswaram Village, Kumbakonam Taluk, Thanjavur District, to the petitioners in lieu of the land situated in Survey No. 16/11 Sannapuram Village, Thirunageswaram Taluk, Thanjavur District, to an extent of 0.14 Acre which were taken away by the 3rd respondent and constructed Daily Market as per the the Resolution No.100 dated 27.09.2007 passed by the third respondent.



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2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The land comprised in Survey No. 16/11 situated at Sannapuram Village, Thirunageswaram Taluk, Thanjavur District, belongs to the petitioners. The petitioner's father was also issued patta in patta No.484 to an extent of 005.5 hectare. After the demise of their father, the petitioners had title over the property. While being so, the third respondent acquired the said land for construction of daily market of Thirunageswaram Town Panchayat. After acquisition, the petitioners were also paid compensation. However, the petitioners sought for alternative land by way of exchange deed instead of compensation.

4. Admittedly, the petitioner received the entire compensation in the land, which was already acquired. The third respondent constructed daily market and it is functioning in the land belonged to the petitioners.



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5. On instructions from the respondents, the learned Special Government Pleader submitted that there is absolutely no proposal for exchange of other land, since the petitioners received compensation. That apart, the land, in which now the petitioners sought for exchange is not feasible. It is open space reservation area in the lay out. Therefore, it cannot be exchanged in favour of the petitioners.

6. In view of the above, direction sought for by the petitioners cannot be considered and the petition is liable to be dismissed. Therefore, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Internet : Yes/No
NCC : Yes / No
LS

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G.K.ILANTHIRAIYAN, J.

LS

Order made in
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Dated:
21.01.2025
(2/2)