



W.P(MD)No.18410 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2025

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.18410 of 2022

and

W.M.P(MD)No.13411 of 2022

Seenivasagam

... Petitioner

Vs

1.The District Collector,
Tenkasi,
Tenkasi District.

2.The Divisional Engineer,
Highway Department,
Tenkasi, Tenkasi District.

3.The Assistant Engineer,
Highway Department,
Sankarankovil,
Tenkasi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondents to take action on the petitioner's representation dated 15.07.2022 seeking to forbear the respondents or their men from laying the road in the petitioner's property and remove the road or pay compensation to the petitioner for the illegal laying of road measuring 392.56 Sq.ft in a larger extent of 3052 Sq.ft (7 Cents) in Survey No.845/11B and Survey No.845/14 situated in A.Karisalkulam Village and Panchayat, Kurivikulam Union, Sankarankovil Taluk, Tenkasi District.



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For Petitioner : Mr.R.J.Karthick

For Respondents : Mr.D.Gandhi Raj
Special Government Pleader

ORDER

This Writ Petition has been filed by the petitioner for a direction directing the respondents to take appropriate action on the petitioner's representation dated 15.07.2022 seeking to forbear the respondents from laying road in the petitioner's property and to remove the road or to give compensation in respect of the land admeasuring 392.56 square feet in a larger extent of 3052 square feet in Survey No.845/11B and Survey No.845/14 situated in A.Karisalkulam Village and Panchayat, Kurivikulam Union, Sankarankovil Taluk, Tenkasi District.

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

3.The petitioner and her sister owned property admeasuring 2 cents comprised in Survey No.845/11B and 5 cents



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in Survey No.845/14 situated in A.Karisalkulam Village, Kurivikulam Union, Sankarankovil Taluk, Tenkasi District. While being so, the third respondent laid a road in their patta land by encroaching the land admeasuring 392.56 square feet and widened the road in the patta land of the petitioner.

4.On perusal of the counter-affidavit filed by the third respondent would reveal that the road has been laid in S.F.No. 845/1C with an extent of 0.55.0 hectares which belongs to the Highways Department. They had also laid a road in the land comprised in S.F.No.845/11B to an extent of 10.5 square meters and in the land comprised in S.F.No.845/14 to an extent of 27.5 square meters belonged to the petitioner and her sister. Therefore, the third respondent is ready to follow due process of law in order to acquire the land from the petitioner in the manner known to law after paying the compensation.

5.In view of the above, the third respondent is directed to award compensation by way of private negotiations by taking into account of market value of the subject land and also after giving an opportunity of hearing to the petitioner and disburse the same,



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within a period of twelve weeks from the date of receipt of a copy of this order.

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6. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

20.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps



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To

- 1.The District Collector,
Tenkasi,
Tenkasi District.
- 2.The Divisional Engineer,
Highway Department,
Tenkasi,
Tenkasi District.
- 3.The Assistant Engineer,
Highway Department,
Sankarankovil,
Tenkasi District.



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G.K.ILANTHIRAIYAN, J.

ps

Order made in
W.P(MD)No.18410 of 2022

20.01.2025