



**REV.AP.W(MD)No.197 of 2024**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 29.01.2025**

**CORAM :**

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

**REV.APL WRIT.(MD).No.197 of 2024**

**and**

**WMP(MD).No.20495 of 2024**

**Against**

**W.P.(MD).No.14826 of 2020**

- 1.The State of Tamil Nadu  
Rep. by its Additional Chief Secretary  
Highways and Minor Ports Department,  
Fort.St.George, Chennai.
- 2.The District Collector,  
Trichy District,  
Trichy.
- 3.The District Revenue Officer,  
Cum Competent Authority,  
Tiruchirappali,  
Tiruchirappalli District. ... Review Applicants / Respondents

**Vs.**

Hazrath Syed Musthafa Darood,  
Masthan Dargah Mosque,  
Rep.by tis Secretary,  
12, Trunk Road,  
Thiruvanaikovil,  
Trichy – 620 005. ... Respondent/Writ Petitioner



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**Prayer:** This Review Application (MD).No.197 of 2024 is filed against W.P.(MD).No.14826 of 2020 under Order 47 Rule 1 & 2 read with Section 114 of CPC to set aside the order dated 14.12.2023 passed in W.P.(MD).No.14826 of 2020 and allow the review.

For Applicants : Mr.K.Selvaganesan  
Additional Government Pleader

For Respondent : Ms.Jasima Yasmin  
for M/s.Ajmal Associates

### **ORDER**

This Review Application has been filed to review the order passed in W.P.(MD).No.14826 of 2020 dated 14.12.2023.

2. When the Review Application came up for admission on 22.01.2025, this Court passed the following order:-

*The learned Additional Government Pleader submitted that while disposing of the writ petition, this Court had directed the compensation amount to be paid to the writ petitioner. Apart from that, a further direction was given to conduct a survey and in case any excess land had been taken over, either the same has to be restored or on the alternative additional compensation should be paid to the writ petitioner. After the order was passed, multiple claims were made on the subject property. On the one hand, the Waqf Board made a claim. That apart, Arulmighu Jambukeshwarar Akilandeshwari Thirukovil also made a claim and they filed W.P. (MD) No.15699 of 2024 claiming for compensation and this writ petition was disposed of by issuing directions by order dated 16.07.2024.*

*2. The learned Additional Government Pleader submitted that in the light of the rival claims made, the compensation amount can be directed to be deposited before the civil Court so that the rival claimants and*



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*the writ petitioner can agitate their rights before the Court and depending upon the final decision, they can take the compensation. To that extent, the learned Additional Government Pleader submitted that the order passed by this Court requires review.*

*3. Considering the above submission made by the learned Additional Government Pleader, there shall be a direction to serve notice and the relevant papers on M/s.Ajmal Associates.*

*4. Post this review application for hearing on 29.01.2025 at 2.15 p.m.*

**3.**When the matter was taken up for hearing today, this Court heard the learned Additional Government Pleader on behalf of the Applicants and the learned counsel on behalf of the Respondent.

**4.** The learned Counsel appearing on behalf of the Respondent submitted that the Temple can have no claim over the property, by virtue of the proceedings of the Settlement Tahsildar, Trichy dated 31.01.1970. The learned counsel submitted that the proceedings have become final and such order was passed only after hearing the Temple and therefore, the order binds the Temple and there is no question of Temple making a claim over the subject property. The learned counsel also brought to the notice of this Court that the Patta was issued in favour of the Respondent after the proceedings of the Settlement Tahsildar, Trichy.



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5. Insofar as the claim made by the Wakf Board, the learned Counsel for the Respondent submitted that the Wakf Board had never made any claim over the property and if at all any such claim is made, it will always be open to the Collector to conduct an enquiry under Section 21 of the Tamil Nadu Highways Act, 2001. The learned Counsel submitted that there is absolutely no reason as to why the matter has go before a Court, when the Collector has sufficient powers to conduct the enquiry and to issue necessary directions for the payment of compensation.

6. This Court on considering the submissions made on either side, is of the view that the respondent has sufficient materials to substantiate their claim. Hence, the District Collector has sufficient powers to conduct the enquiry and to take a decision on the payment of compensation. It is not necessary that the matter has to be referred to the Court.

7. In view of the above, there shall be a direction to the Petitioner No.2 viz., the District Collector, Trichy District to conduct the enquiry under Section 21 of the Tamil Nadu Highways Act, 2001 after affording



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an opportunity to all the parties concerned, and take a decision within a period of three (3) months from the date of receipt of copy of this order.

Based on the decision taken by the District Collector, the payment of compensation as was directed by this Court shall be complied with within a period of four (4) weeks after the decision is rendered by the District Collector.

**8.** This Review Application is disposed with the above directions.

No costs. Connected writ miscellaneous petition is also closed.

**29.01.2025**

Internet : Yes/No  
Index : Yes/No  
NCC : Yes/No  
NST



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To

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**N.ANAND VENKATESH, J.**

NST

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