



W.P.(MD)No.24968 of 2018

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.04.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD) No.24968 of 2018
and
W.M.P.(MD) No.22630 of 2018

M.Sathishkumar

... Petitioner

/Vs./

1.The District Collector,
Madurai District,
Madurai 625 020.

2.The Tahsildar,
Madurai West Taluk Office,
23, Theni Road,
Fenner Colony,
Viratripattu,
Madurai 625 014.

3.The Special Tahsildar (Land Acquisition),
Adi Dravidar Welfare Unit I,
Madurai 625020.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to consider the representations dated 29.05.2017 and 18.07.2018 of the petitioner in the



W.P.(MD)No.24968 of 2018

WEB COPY

light of Sec.24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013) and issue patta to the petitioner in respect of (1) the house site of 9 cents in the middle of old Ayan Punja Survey No.88/5 covered in Sale Deed Doc. No.2937/2008 dated 25.06.2008 and 2) Plot No.10 and 11 in old Ayan Punja Survey No.88/6 (Present UDR Survey No.88/5) covered in sale deed Doc.No.2938/2008 dated 25.06.2008 and situated in Vilachary Village Group, Nagamalai Pudukottai Village, Madurai West Taluk, Madurai District within a time limit to be fixed by this Court.

For Petitioner : Mr.R.M.Makesh Kumaravel

For Respondents : Mr.M.Lingadurai
Special Government Pleader

ORDER

Heard Mr.R.M.Makesh Kumaravel, learned counsel for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader for the respondents.

2.The petitioner seeks limited relief of consideration of the representations dated 29.05.2017 and 18.07.2018, in the light of the provisions of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act,



W.P.(MD)No.24968 of 2018

WEB COPY

2013 (Act 30 of 2013) and to issue patta to the petitioner in respect of the house site, measuring an extent of 9 cents, which is covered by a registered sale deed in Doc.No.2937/2008.

3.The learned counsel for the petitioner submits that the petitioner has purchased the subject property from one T.Esther Rani Sathyavathi, who had acquired the same way back in the year 1986 and subsequently, the petitioner has been in physical possession. However, the patta requested by the petitioner was refused on the ground that land acquisition proceedings had been initiated under Act 31/1978 and an award also came to be passed in Award No.3 of 1980 dated 31.03.1980.

4.It is the specific case of the writ petitioner that no compensation was paid to the petitioner and the petitioner continues to remain in possession. Therefore, the petitioner intends to take advantage of Section 24(2) of Act 30/2013.

5.*Per contra*, Mr.M.Lingadurai, learned Special Government Pleader submits that the petitioner's lands have been acquired way back



W.P.(MD)No.24968 of 2018

WEB COPY

in the year 1980 and compensation amount has also been deposited before the I Additional Subordinate Court, Madurai. He would therefore submit that the petitioner is not entitled to the benefit of Section 24(2) of Act 30/2013 and the patta has also been mutated in the name of Aadi Dravidar Veettadi.

6.However, the said contentions now advanced by the learned Special Government Pleader are only based on the written instructions and no counter has been filed in the writ petition. The petitioner only seeks for Mandamus to dispose of the representations, in the light of Section 24(2) of the Act. Therefore, it shall be open to the second respondent to pass orders on the petitioner's representations dated 29.05.2017 and 18.07.2018 after giving an opportunity to the petitioner, in so far as the petitioner's entitlement to the benefit of Section 24(2) of the Act is concerned. This exercise shall be carried out by the second respondent on merits and in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order.



W.P.(MD)No.24968 of 2018

WEB COPY

7.The Writ Petition stands disposed of, with the aforesaid directions. No costs. Consequently, connected Miscellaneous Petition is closed.

Index : Yes / No
NCC : Yes / No
mm

21.04.2025

TO:-

- 1.The District Collector,
Madurai District,
Madurai 625 020.
- 2.The Tahsildar,
Madurai West Taluk Office,
23, Theni Road,
Fenner Colony,
Viratripattu,
Madurai 625 014.
- 3.The Special Tahsildar (Land Acquisition),
Adi Dravidar Welfare Unit I,
Madurai 625020.



WEB COPY



W.P.(MD)No.24968 of 2018

P.B. BALAJI, J.

mm

Order made in
W.P.(MD)No.24968 of 2018

Dated:
21.04.2025