



WEB COPY



W.A.No.753 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.No.753 of 2026

S.Santhanamoorthi
S/o.Singaravel,
Res. at No.345, Uludurpettai Road,
Vayalur, Virudachalam Town,
Cuddalore District 606 001.

Appellant

Vs

- 1.The District Collector
Cuddalore District
Cuddalore
- 2.The Sub-Collector
Vridachalam,
Cuddalore District.
- 3.The Tahsildar
Vridachalam,
Cuddalore District.
- 4.The Divisional Engineer
(Construction And Maintenance)
Highways Department,
Cuddalore.



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5.The Assistant Divisional Engineer
Vridhachalam Sub-Division,
Highways Department,
Virudhachalam.

Respondents

PRAYER: Appeal filed under Clause 15 of the Letters Patent to set aside the order passed by the learned Single Judge in W.P.No.1736 of 2022, dated 03.03.2025.

For Appellant: Mr.T.P.Prabakaran

For Respondents: Mr.U.Baranidharan
Special Government Pleader

JUDGMENT

(Made by the Hon'ble Chief Justice)

Heard.

2. Assailing the order of the learned Single Judge dated 3.3.2025 passed in W.P.No.1736 of 2022, the unsuccessful petitioner has filed the present writ appeal.

3. The writ petition has been filed to quash the order of the fourth respondent dated 24.11.2021 and consequently direct the fourth respondent to pay compensation to the appellant in respect of



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his lands of an extent of 0.41.00 hectares in T.S.No.31/3 situated at Manalur, Vridhachalam Taluk, Cuddalore District.

4. The learned Single Judge dismissed the writ petition holding that the relief sought by the appellant cannot be granted by the Writ Court exercising its discretion. Challenging the same, the appellant is before us.

5.1. Learned counsel for the appellant submitted that the appellant had purchased property comprised in T.S.No.31/1 to an extent of 2 acres 92 cents through a registered sale deed dated 1.11.2005 from the sons of one Seperumal and after purchase, the said survey number was sub-divided into 31/2, 31/3 and 31/4. In the year 2006, the Highways Authorities started putting up a road by encroaching upon the property belonging to the appellant to an extent of 1 acre 1 cent and the road work was completed in the year 2009. Since the land of the appellant was involved in laying the road, the appellant has submitted a representation on 24.3.2020 to the first respondent for payment of compensation towards acquisition of the land comprised in T.S.No.31/3.



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5.2. Learned counsel for the appellant further submitted that on 3.6.2020 the fourth respondent addressed a letter to the Superintending Engineer, Highways, informing that the property comprised in T.S.No.31/3 was acquired by the Highways Department before 1997 and a Thar road was laid in the said property during 1997 and 1998 and no records available for acquisition of the said land prior to 1997 and 1998 and, therefore, advised the fifth respondent to conduct an enquiry. As no enquiry was conducted, again the appellant sent a representation on 4.12.2020, followed by another representation dated 12.2.2021, to the first respondent for payment of compensation in respect of the land comprised in T.S.No.31/3.

5.3. Learned counsel for the appellant would also submit that, on 24.11.2021, the fourth respondent sent a letter to the appellant informing that a notice has been issued by the Special Officer, Urban Survey, Vridhachalam in the Natham Land Survey declaring the entire 0.41.00 hectares of one of the four sub-divisions, T.S.No.31/3, as a road. The owner of the said land, namely Seperumal, has not raised any objection to the said notice and the entire extent of 0.41.00 hectares in T.S.No.31/3 is currently in public use.



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5.4. According to learned counsel for the appellant, the fourth respondent ought to have seen that only in 2009 the Thar road has been laid in the property in T.S.No.31/3 and since then the appellant has been making repeated representations and, therefore, the impugned order dated 24.11.2021 of the fourth respondent is arbitrary and unjust. In fact, the fourth respondent ought to have seen that the notice issued earlier is only with regard to sub-division and the opinion expressed by the fourth respondent is totally unjust. According to learned counsel, the learned Single Judge failed to consider the aforesaid aspects and, in fact, dismissed the writ petition on unsustainable grounds.

6. Supporting the findings recorded by the learned Single, the learned State counsel submitted that there is no error in the order of the learned Single Judge. He would further submit that the appellant having purchased the land in the year 2005 seeks compensation through the writ petition in the year 2022 as if the road was formed after he purchased the land in the year 2005. In fact, the appellant has no locus standi to claim any compensation and the learned Single Judge was right in dismissing the writ petition.



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only on 14.11.2005. Since the property in question was being put to use as a road before the purchase made by the appellant and the appellant's vendor has not raised any objection for laying the road, the appellant is not entitled to the relief as prayed for in the writ petition. Additionally, on a perusal of the writ petition averments, it is apparent that the appellant has failed to specifically aver as to how and when his lands were acquired, for which he is seeking compensation.

11. It is trite that it is the bounden duty of the purchaser to make all necessary enquiries and ascertain all the facts relating to the property to be purchased. The purchaser is generally bound to view the land, inspect the title deeds, or else he will be in a perilous state.

12. In the instant case, in the writ averments, the assertions are to the effect that:

*"4. ... the petitioner had been making repeated representations in respect of the said dispute and the **Petitioner had purchased the lands only from Seperumal in whose name the lands stood at the time when the tar road was claimed to be laid and further no compensation has been given to the Petitioner's vendor nor the petitioner...**"*

[emphasis supplied]



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13. Having purchased the property with eyes wide open, the appellant now cannot claim right over the property which was already being used as road.

14. As rightly pointed out by the learned Single Judge, the appellant has been making representations for nearly 10 years and he never chose to knock the doors of the Court at the earliest point of time and he slept over the matter.

15. It is settled law that a person who seeks invocation of writ jurisdiction should come to the Court at the earliest possible opportunity. Inordinate delay in making the motion for a writ will indeed be a good ground for refusing to exercise such discretionary jurisdiction.

16. It is also settled that delay or laches is one of the factors which is to be borne in mind by the High Court when they exercise their discretionary powers under Article 226 of the Constitution of India. We are of the view that the writ petition is also liable to be dismissed on the ground of delay and laches.



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For all the reasons stated above, there is no error in the order of the learned Single Judge warranting interference. The writ appeal fails and, accordingly, the same is dismissed. There shall be no order as to costs.

SUSHRUT ARVIND DHARMADHIKARI, CJ) (G.ARUL MURUGAN,J)
27.03.2026

Index : Yes/No
Neutral Citation : Yes/No
sasi/bbr

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