

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.29325 of 2015

1.Rajamanickam
2.Rani
3.Kothandan
4.Varadharajan
5.Anjalatchi
6.Kannan

.. Petitioners

v.

1.The District Collector,
Kancheepuram District,
Collectors Office, Kancheepuram.

2.The Special Deputy Tahsildar (L.A.)
I.T. Express Road Scheme, Tambaram.

3.Kalaiselvi

4.Indirani

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the 1st respondent to consider the representation of the petitioners dated 27.08.2015 and to release 6/7th share of the award amount sanctioned by the 1st respondent in Award bearing No.13/2013 dated 20.11.2013 to the petitioners after retaining the disputed 1/7th share.

For Petitioner	..	Mr.Mohammed Fayaz Ali
For R1 & R2	..	Mr.R.Rajeswaran
		Special Government Pleader
For R 3	..	Mr.D.Balasubramanian
For R 4	..	No appearance

ORDER

Heard the learned counsel for the petitioner ; Mr.R.Rajeswaran, learned Special Government Pleader for respondents 1 and 2 and Mr.D.Balasubramanian, learned counsel for the 3rd respondent and with their consent, the writ petition is taken up for final disposal.

2.The petitioners seek for a direction to the 1st respondent to consider their representation dated 27.08.2015 and release 6/7th share of the award amount sanctioned by the 1st respondent in Award No.13/2013 dated 20.11.2013 after retaining the disputed 1/7th share.

3.The petitioners would admit that there is a dispute between the petitioners and the 4th respondent. So far as the 3rd respondent is concerned, the 3rd respondent has filed counter before this Court stating that she is the sole legal heir of late Dasarathan and the objections raised by the 4th respondent herein is frivolous and unsustainable. Therefore, the 3rd respondent states that the writ petition may be allowed as prayed for.

4.Though the 4th respondent has been served and her name is printed in the cause list, none appears for the 4th respondent. In any event, this Court, in a writ petition cannot adjudicate this inter se title dispute between the petitioners and the 4th respondent and which has to be considered by the competent authority viz., 1st respondent. If the 1st respondent is satisfied that the amount can be apportioned as sought for by the petitioners, he can proceed accordingly or else the disputed issue alone could be referred to the Civil Court. In this regard, the 1st respondent should take an oral decision in the matter since the compensation amount has to be disbursed as the Award was passed in November, 2013.

5.In the light of the above, there will be a direction to the 1st respondent to consider the petitioners representation dated 27.08.2015 after issuing notice to the petitioners and the respondents 3 and 4 and after affording an opportunity of personal hearing pass a reasoned order on merits and in accordance with law within period of eight weeks from the date of receipt of a copy of this order.

6.With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

To

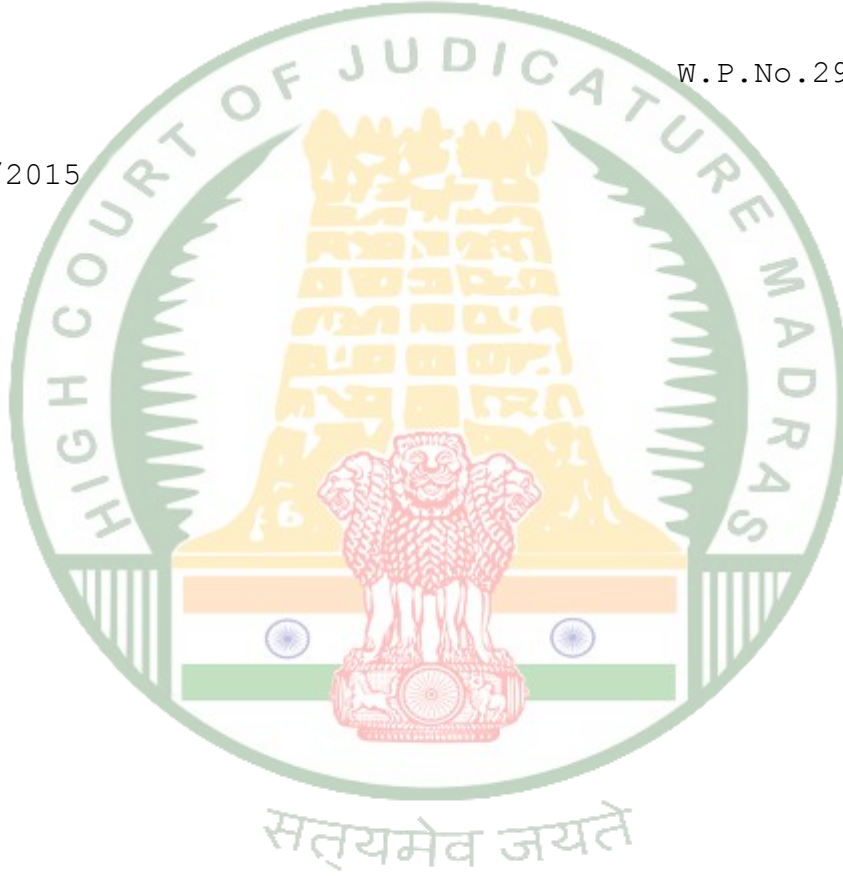
1.The District Collector,
Kancheepuram District,
Collectors Office, Kancheepuram.

2.The Special Deputy Tahsildar (L.A.)
I.T. Express Road Scheme, Tambaram.

+1cc to Mr.Mohammed Fayaz Ali, Advocate Sr.66685
+1cc to The Government Pleader Sr.66942

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