

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.02.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.4236/2015 & MP.No.1/2015

Purasawakam Santhatha
Sanganidhi Ltd
rep.by Director Trustee,
A.R.Madhavan

.. Petitioner

Versus

1.The Chairman & Managing Director
Tamil Nadu Road Development Corporation
Chepauk, Chennai 600 005.

2.The Tahsildar
Tambaram Taluk Office
Kancheepuram Taluk, GST Road
Tambaram, Chennai 600 045.

3.The Tahsildar
Sholinganallur Taluk
Sholinganallur, Kancheepuram District.

4.The Collector
Collectorate of Kancheepuram District
Kancheepuram.

5.M.Tamilarasi
6.M.P.Mani

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus to direct the 2nd and 3rd respondents to consider the petitioner's representation dated 24.11.2014 and also directing the respondents to disburse the amount claimed to the petitioner-Nidhi being mortgagee-decree holder having the First Charge over the compensation amount within the time which may be stipulated by this Court.

For Petitioner : Mr.V.Raghupathi

For RR 1 to 4 : Mr.V.Jayaprakash Narayanan, Spl.GP

ORDER

Heard Mr.V.Raghupathi, learned counsel for the petitioner and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader who accepts notice for the respondents 1 to 4 and with their consent, the writ petition is disposed of at the admission stage itself.

2.The petitioner is a Nidhi Company and they have filed this writ petition for a direction to the respondents 2 and 3 to consider its representation dated 24.11.2014 and not to disburse the amount which is proposed to be paid to the respondents 5 and 6 as compensation for the land which has been acquired for the purpose of implementing the Highways project.

3.The petitioner would state that the 5th respondent has obtained a loan from the petitioner/company and mortgaged the property in question and the petitioner claims the first charge over the property. The land having been acquired under the provisions of the National Highways Act, 1956, the petitioner would state that the compensation has to be paid them since the loan amount has not been discharged by the borrower. Since, the writ petition is disposed of at the admission stage without notice to the respondents 5 and 6, the merits of the contentions and allegations raised by the petitioner as against them are not gone into at this stage. However, since the petitioner claims to have first charge over the property and there is subsisting registered mortgage and the original title deeds are with the petitioner, then the petitioner has to be heard by the respondents 2 and 3 before disbursement of the compensation.

4.Learned counsel for the petitioner would submit that on account of the default committed by the 5th respondent/borrower, the petitioner/Nidhi Company has filed a suit in OS.No.680/2001 on the file of the Sub Court, Chengalpattu and has obtained a decree against the 5th respondent.

5.In the light of the above, there will be a direction to the respondents 2 and 3 to consider the petitioner's representation dated 24.11.2014 after issuing notice to the petitioner as well as to the respondents 5 and 6, after verifying the entire facts including the decree obtained by the petitioner as against the 5th respondent in OS.No.680/2001 and proceed in accordance with law.

6.The writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

1.The Chairman & Managing Director
Tamil Nadu Road Development Corporation
Chepauk, Chennai 600 005.

2.The Tahsildar
Tambaram Taluk Office
Kancheepuram Taluk, GST Road
Tambaram, Chennai 600 045.

3.The Tahsildar
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Sholinganallur, Kancheepuram District.

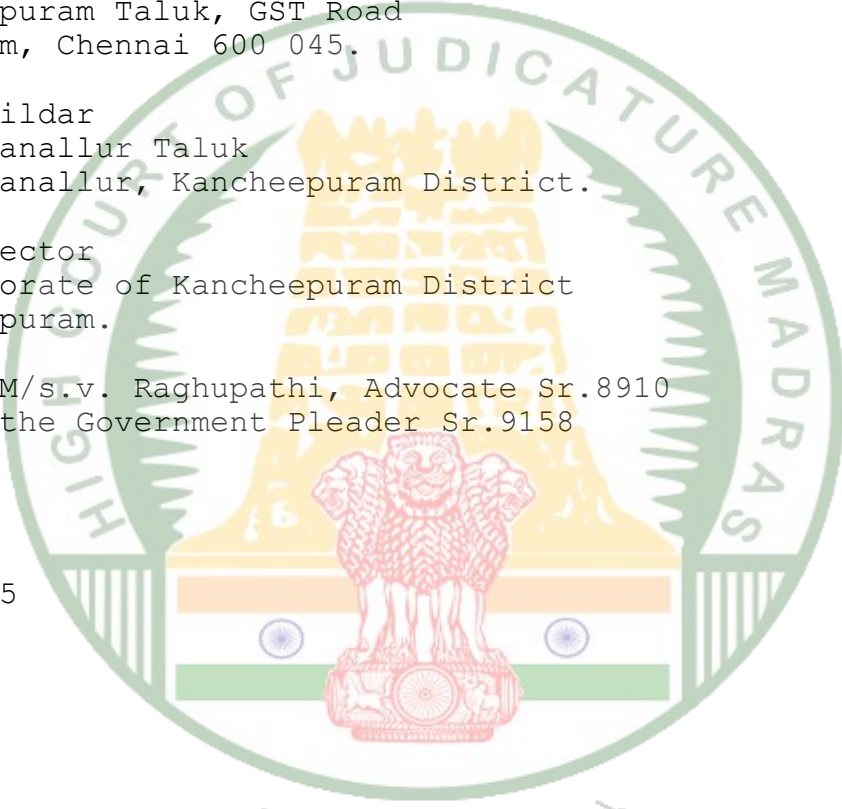
4.The Collector
Collectorate of Kancheepuram District
Kancheepuram.

+ 1 cc to M/s.v. Raghupathi, Advocate Sr.8910

+ 1 cc to the Government Pleader Sr.9158

UG(CO)
Eu 23.02.15

WP.No.4236/2015



सत्यमेव जयते

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