

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2016

CORAM

THE HON'BLE MR. JUSTICE T.S.SIVAGNANAM

W.P.No.27754 of 2015

J.E.Raja

... Petitioner

Vs.

1. The Competent Authority &
District Revenue Officer (LA),
National Highways,
Kancheepuram & Thiruvallur District,
Kancheepuram,
2. The Special Tahsildar (L.A),
National Highways,
Kancheepuram & Thiruvallur Districts,
Kancheepuram.
3. B.Saraswathi
(R3 Impleaded vide Order of this Court
Dt. 08/03/16 in M.P.NO.1/15)

.... Respondents

Prayer: Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus to direct respondents 1 and 2 to pay the compensation sum of Rs.1,75,29,831/- in respect of the acquisition of the portion of the petitioner's property in S.No.13/1C2 of Nallur village, Ponneri Taluk, Thiruvallur District, measuring 2260 sq.mt or 0 Acre 56 cents to the petitioner within a stipulated time.

For Petitioner : Mr.M.Stalin

For Respondents: Mr.R.M.Muthukumar,
Addl.Govt.Pleader for RR.1 and 2

O R D E R

The petitioner seeks for issuance of writ of mandamus to direct the respondents 1 and 2 to pay the compensation of Rs.1,75,29,831/-, which has been arrived at by the 2nd respondent in respect of the lands comprised in S.No.13/1C2, which were acquired for a project of the National Highways.

2. The petitioner received a notice from the 2nd respondent on 19.6.2015 calling upon him to produce eight documents by

appearing in person. The petitioner is stated to have appeared before the 2nd respondent on 23.7.2015 and produced title deeds standing in his name, encumbrance certificate, patta, ration card, PAN Card, tax receipt, passport size photo and Bank statement. Since the compensation had not been disbursed, the petitioner has filed the writ petition.

3. At the time when the writ petition was heard for admission, the Court directed the petitioner to implead his sister as a party and accordingly the petitioner has filed M.P.No.1 of 2015 to implead his sister and the petition has been ordered. However, she has not chosen to appear either in person or through counsel inspite of notice having been served and her name having been printed in the cause list. The learned counsel has filed an affidavit of service along with enclosures to show that the copy of the affidavit and writ petition and typed set were served on the counsel for the 3rd respondent in another collateral proceedings. However, it has to be noted that the 2nd respondent did not issue any notice to the petitioner's sister but earlier the petitioner's sister - 3rd respondent staked a claim for a compensation and in fact she had filed a writ petition before this Court in W.P.No.27539 of 2003, which was disposed of by Order dated 10.2.2004. This presumably was the reason for this Court to direct the impleadment of his sister in this matter.

4. Learned counsel for the petitioner would submit that the property, which is subject matter of acquisition for the National Highways is comprised in old S.No.13/1C2 corresponding to new S.No.13/5 and the said matter in the earlier writ petition filed by his sister is S.No.13/2 and that does not concern the land covered in the present proceedings. The petitioner has filed an additional typed set of papers enclosing the compromise petition filed in O.S.No.83 of 2003 filed by the petitioner's sister - B.Saraswathi, 3rd respondent in which the present petitioner was the 2nd defendant and the parties have entered into a compromise and there is reference to the property in S.No.13/1C2 and it is stated that the petitioner/2nd defendant is entitled to prosecute this writ petition exclusively and get remedies and benefits under the same and that the plaintiff (3rd respondent) or the other defendants have no right or interest in respect of the said property. The said compromise memo is shown to have been recorded by the District Munsif's Court, Ponneri by order dated 2.2.2016. With these averments, the petitioner seeks for appropriate direction.

5. In my view, as the 2nd respondent has already issued notice calling upon the petitioner to produce documents and he having produced documents, the 2nd respondent should take the matter further and if any further clarification is required, the 2nd respondent should obtain the same and on being satisfied regarding the petitioner's entitlement, disburse the compensation to the petitioner without further delay. With

regard to the claim of the sister of the petitioner, the petitioner's specific case is that the sister had given up her entire claims. However, since the petitioner's sister has been impleaded as respondent No.3, it is the discretion of respondent No.2 to inquire into the petitioner's sister's claim also, if there is any subsisting claim, since it is stated that the claim has been given up by her and a compromise has been entered into. The above directions shall be complied with by the 2nd respondent within a period of six weeks from the date of receipt of a copy of this order.

With the said observation, the writ petition is disposed of. No costs.

usk

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Competent Authority &
District Revenue Officer (LA),
National Highways,
Kancheepuram & Thiruvallur District,
Kancheepuram,
2. The Special Tahsildar (L.A),
National Highways,
Kancheepuram & Thiruvallur Districts,
Kancheepuram.

+ 1 CC TO Mr.M.Stalin, ADVOCATE SR 15120

+ 1 CC TO THE GOVT.PLEADER, SR 15029

KR/16/3/16

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