

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. No.21570 of 2012

and

M.P.No.1 of 2012

P.K.Kannammal

... Petitioner

-Vs-

1. The Government of Tamilnadu,
rep. by its Principal Secretary to Government,
Ministry of Environment and Forest,
Fort St. George, Chennai-600 009.
2. The Tamilnadu Pollution Control Board,
rep. by its Chairman,
No.76, Mount Road, Chennai-6.
3. The Syndicate Bank,
rep. by its Branch Manager,
Oppannakara Branch,
Coimbatore.
4. Noyyal River Ayacutdars Protection Association,
rep. by its President A.P.Kandasamy,
Athipalayam, Athipalayam Post,
K.Paramathi (Via), Karur District-111.
5. Kittappa Nadar
6. Saravanan
7. Sarasuwathi
8. Arukkani

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 to 4 to deposit petitioner's 1/5th share in entire compensation accrued under G.O.Ms.No.209 dated 31.12.2011 into the credit of O.S.No.87/12 pending on the file of Principal Sub Judge of Erode by considering petitioner's representation dated 23.07.2012.

For Petitioner : Mr.N.Ponraj

For Respondents : Mr.STS.Murthi
Government Pleader
assisted by
Mr.V.Shanmugasundar
Government Advocate for R1

Mrs.Rita Chandrasekar for R2

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The writ petition is not maintainable. The petitioner seeks to bring forth the amount to be paid as compensation on account of the suit for partition which is pending. If that is the position, then appropriate application qua the amount of compensation to be received would have to be filed in the suit proceedings and it is for learned Judge to consider whether to protect the amount or not for the benefit of the partition suit.

2. The writ petition is dismissed with the aforesaid observation. No costs. Consequently, M.P.No.1 of 2012 is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary to Government,
Ministry of Environment and Forest,
Fort St. George, Chennai-600 009.
2. The Chairman,
Tamilnadu Pollution Control Board,
No.76, Mount Road, Chennai-6.
3. The Principal Subordinate Judge,
Erode.

+1cc to the Government Pleader, S.R.No.41116

W.P.No.21570 of 2012

GJ II(CO)

CA(04/08/2016)