



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.09.2016

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.6930 of 2015

and

M.P(MD)No.1 of 2015

N.Radha

... Petitioner

Vs.

1.The Recognize Officer,
cum Special District Revenue Officer,
(Land Acquisition-National High Ways),
Collectorate, Ramnad.

2.The Tahsildar,
(Wing-I, National Highways 49),
(Land Acquisition),
Melkarai, Manamadurai,
Sivagangai District.

3.A.Kannappan @ Veeranan

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st and 2nd Respondents to deposit the outcome of the acquisition amount in respect of Manaloor village properties in Item No.7 to 10 14 to 19 82 84 93 95 vide notification dated 07.11.2014 in Na.Ka.No.NH 49/ Unit-V/ 120/2011 in the suit in O.S. No. 56/ 2007 on the file of the District Judge Sivagangai.

For Petitioner : Mr.S.Ramesh

For 3rd Respondent : Mr.R.Vijayakumar,

For Respondents 1 and 2: Mr.V.Muruganandam,
Additional Government Pleader.

ORDER

This writ petition has been filed for the issuance of a writ of mandamus to direct the respondents 1 and 2 to deposit the outcome of the acquisition amount in respect of Manaloor village properties in Item Nos.7 to 10, 14 to 19, 82, 84, 93, 95, vide notification, dated 07.11.2014, in Na.Ka.No.NH-49/Unit-V/120/2011,



in the suit in O.S.No.56 of 2007 on the file of the District Court, Sivagangai.

2. According to the petitioner, there is a civil dispute between the petitioner and the third respondent who is none other than her father pending in O.S.No.56 of 2007 on the file of the District Judge, Sivagangai seeking partition on her 1/5th share in the suit properties. While so, the respondents 1 and 2 initiated land acquisition proceedings under the National Highways Act, 1956 including the petitioner's land. Therefore, the petitioner submitted a representation to the respondents to deposit the award amount in O.S.No.56 of 2007 on the file of the District Court, Sivagangai. Since no final order has been passed so far, the present writ petition has been filed.

3. Reiterating the averment made in the affidavit filed in support of this writ petition, learned counsel for the petitioner submits that since the above suit is pending, the petitioner seeks a direction to the respondents 1 and 2 to deposit the entire award amount coming out of the acquisition proceedings in O.S.No.56 of 2007 which is pending on the file of the District Court, Sivagangai.

4. However, learned counsel appearing for the petitioner is not in a position to state about the present status of the acquisition proceedings, whether an award has been passed or not. Even if the award is passed for apportionment of award amount under Section 3-H(4) of the National Highways Act, 1956, the competent authority shall refer the dispute for a decision to the principal civil Court of original jurisdiction within the limits of whose jurisdiction the land is situated.

5. If the petitioner has any right in the award amount, she can make application before the competent authority for apportionment who shall in turn refer the matter to the Civil Court. Merely because the suit is pending for partition, the authority has no power to deposit the amount in the above suit. Hence, I find no merit in the writ petition. Accordingly, the writ petition is dismissed. No costs. Consequently, M.P(MD)No.1 of 2015 is closed.

Sd/-

Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar



To

1.The Recognize Officer,
cum Special District Revenue Officer,
(Land Acquisition-National High Ways),
Collectorate, Ramnad.

2.The Tahsildar,
(Wing-I, National Highways 49),
(Land Acquisition),
Melkarai, Manamadurai,
Sivagangai District.

+1cc to Mr.R.Vijayakumar, Advocate Sr.No.54538
+1cc to the special Government Pleader SR.No.54692
+1cc to Mr.V.Raghavachari, Advocate SR.No.54384

sms

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M.P (MD) No.1 of 2015

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