



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2016

C O R A M

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. (MD)No.2835 of 2016

and

W.M.P. (MD)No.2506 of 2016

B.A.Balavadivel Murugan

.. Petitioner

Vs

1. The Project Director,
National Highways Authority of India,
No.1, 2nd Floor, Subramaniamapuram, 3rd Street,
Karaikudi - 630 002.
2. Special District Revenue Officer(L.A.),
Collector Office Campus,
Pudukottai District.
3. The Special Tahsildhar,
Land Acquisition,
National Highways Authority of India,
Devaki Complex, Keernaur, Kulathur Taluk,
Pudukottai District.
4. B.S.Narayanan
5. B.S.Gurusamy
6. B.S.Arunagiri

(R-4 impleaded vide Court Order dated 12.09.2016
in W.M.P. (MD)No.9719 of 2016

R-5 and R-6 impleaded vide Court Order dated 19.09.2016
in W.M.P. (MD)No.12833 of 2016) .. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pay the compensation charges along with interest at the rate of 9% from the date of acquisition towards the land acquired in Survey Nos.42/3, 42/5, 42/6, 44/1, 44/2, 44/3, 44/4, 44/5 and 44/6 situated at Mathur Village, Kulathur Taluk, Pudukottai District in favour of the petitioner.

For Petitioner : Mr.R.Karthikeyan

For R-1 : Mr.Arul Vadivel @ Sekar

For R-2 : Mr.J.Gunaseelan Muthiah
Government Advocate

<https://hcservices.ecourts.gov.in/hcservices/> to R-6 : Mr.C.Dhanseelan

**ORDER**

This Writ Petition has been filed seeking a direction to the respondents to pay the compensation charges along with interest at the rate of 9% from the date of acquisition towards the land acquired in Survey Nos.42/3, 42/5, 42/6, 44/1, 44/2, 44/3, 44/4, 44/5 and 44/6 situated at Mathur Village, Kulathur Taluk, Pudukkottai District in favour of petitioner.

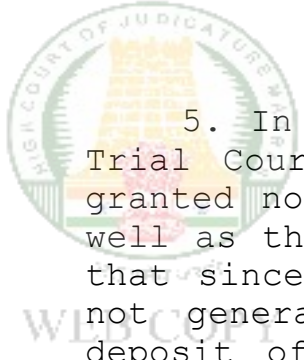
2. According to the petitioner, an extent of 2.46 acres has been acquired by the first respondent for the formation of Trichy Bypass road as per notification issued under Section 3A(1) of the National Highways Act, 1956. Subsequently, an award was also passed by the competent Authority vide order No.22/2013-14 in Na.Ka.No.59/2013 dated 17.12.2013.

3. Now, in respect of the above said property, a partition suit in O.S.No.116 of 2013 is pending on the file of the learned III Additional District Judge, Trichy and an application in I.A.No.521 of 2013, seeking injunction restraining the Special Tahsildar/ third respondent herein from disbursing the compensation amount to other co-sharers, was dismissed and another application in I.A.No.522 of 2013, seeking temporary injunction restraining the petitioner and fourth respondent from alienating, encumbering or otherwise disposing of the properties was also dismissed by the Trial Court against which an appeal was filed before this Court in C.M.A.Nos.490 and 491 of 2014 and this Court passed the order, dated 13.11.2014, in paragraph No.8, reads as follows:-

"Therefore, the III Additional District Judge, Trichy is directed to dispose of the suit in O.S.No.116 of 2013 within a period of two months from the date of receipt of a copy of this order. Till such time, there will be an order of injunction and the order restraining alienation as prayed for in I.A.Nos.522 of 2013 and 521 of 2013."

4. Now the above civil suit is pending and the second respondent filed a counter affidavit, wherein it is stated as follows:-

"It is submitted that the compensation amount was withheld in our office (L.A.)(NH), Pudukkottai, in our award proceedings 22/2013-2014, dated 17.12.2013 because of the suit in O.S.No.116 of 2013 in the Court of III Additional Judge, Thiruchirappalli filed by one B.S.Narayanan against the Writ petitioner and 3rd respondent herein, if the compensation amount is disbursed application will arise in the final disposal of the suit."



5. In view of the order passed by this Court as well as the Trial Court, the prayer sought for by the petitioner cannot be granted now. However, the learned counsel for the petitioner as well as the learned counsel for the respondents 4 and 5 submitted that since, the compensation amount deposited in the Treasury is not generating any interest and the amount now lying on the deposit of the Treasury may be transferred to any Nationalised Bank and deposited in an interest accruing fixed deposit, which will be beneficial to both the parties.

6. In the above circumstances, in the interest of justice, the third respondent/Special Tahsildhar, Land Acquisition, Pudukkottai, is directed to deposit the entire award amount in a Nationalised Bank in an interest generating fixed deposit, initially for a period of three years and after the disposal of the above partition suit, the amount can be apportioned between the parties as per the decree passed by the Civil Court. The third respondent is directed to take steps to deposit the amount within a period of four weeks from the date of receipt of a copy of this order.

7. With the above directions, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(AE)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Project Director,
National Highways Authority of India,
No.1, 2nd Floor, Subramaniyapuram, 3rd Street,
Karaikudi - 630 002.
2. Special District Revenue Officer(L.A.),
Collector Office Campus, Pudukkottai District.
3. The Special Tahsildhar,
Land Acquisition, National Highways Authority of India,
Devaki Complex, Keernaur, Kulathur Taluk,
Pudukkottai District.

+1cc to M/S.R.KARTHIKEYAN,ADVOCATE, SR NO: 53747

+1cc to M/S.THE SPECIAL GOVERNMENT PLEADER, SR NO: 53942

+1cc to M/S.C.DHANASEELAN,ADVOCATE, SR NO: 53303

pmu

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and

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