



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :13.07.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD) No.3425 of 2016

and

WMP (MD) Nos.3026 and 3027 of 2016

K.P.Selvam

... Petitioner

Vs.

1. The District Revenue Officer,
O/o.District Collectorate,
Ramnad District.
2. The Special District Revenue Officer(Land Acquisition),
National Highways,
Ramnad District.
- 3.Durai Shanmugam ... Respondents
(R-3 is impleaded vide Court order, dated 20.06.2016 in
WMP (MD) No.3203 of 2016)

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned notice in Na.Ka.P5/58090/2015, dated 17.12.2015 and quash the same as illegal and unconstitutional and subsequently direct the second respondent to pay a sum of Rs.3,02,157/- towards the compensation amount which was already awarded by him in petitioner's favour, considering the petitioner's representation, dated 28.12.2015.

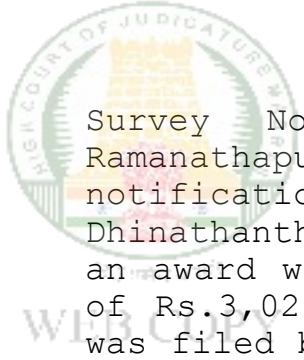
For Petitioner ...Mr.K.P.Selvam(Party in Person)

For R-1 & R-2 ...Mr.M.Murugan,
Government Advocate

For R-3 ...No Appearance

O R D E R

The petitioner Mr.K.P.Selvam, has challenged the impugned notice issued by the first respondent District Revenue Officer, Ramnad District, in Na.Ka.P5/58090/2015, dated 17.12.2015, in and by which both the petitioner and the third respondent Mr.Durai Shanmugam, were directed to appear for enquiry on 29.01.2016 at 11.00 a.m., on the ground that when the petitioner's land covered in



Survey No.43/1C situated at Kamuthakudi, Paramakudi Taluk, Ramanathapuram District, was acquired by the second respondent vide notification, dated 03.08.2012 and 01.05.2016 published in Dhinathanthi, Tamil Daily and after completing usual procedure and an award was also passed on 29.12.2014 for payment of compensation of Rs.3,02,157/- in favour of the petitioner, a false application was filed by the third respondent Durai Shanmugam and that was also already dismissed by the Sub-Collector, Ramad and subsequently to unnecessarily delay the matter, the third respondent filed a revision and in which, the impugned notice was issued by the District Revenue Officer, Ramanathapuram and hence, the same is liable to be quashed with a further direction to the second respondent to pay the compensation as per the award, dated 29.12.2014, since he has been facing financial problems for a long time after losing his land.

2. The learned Government Advocate appearing for the respondent Nos.1 and 2 would submit that although an award was passed on 29.12.2014 in favour of the petitioner for payment of compensation of Rs.3,02,157/-, for the land acquired from the petitioner, the third respondent has taken out an application before the Sub-Collector, raising objection with regard to title in respect of the land in question and in which, an order was also passed by the Sub-Collector, on 09.06.2015, directing both the petitioner and the third respondent to approach the civil Court to get a decree with regard to title of the land in question. As against the said order, the third respondent has filed a revision before the first respondent. Since the revision petition is pending and notice of hearing has been issued, the petitioner cannot ask for either release of the compensation or setting aside the impugned notice.

3. I find some merits in the submissions made by the learned Government Advocate. As against the order passed by the Sub-Collector on 09.06.2015, revision petition has been filed and in the pending revision, the first respondent has issued the impugned notice on 17.12.2015 calling upon both the petitioner and the third respondent to appear for hearing on 29.01.2016 at 11.00 a.m., in his office. Unless both the petitioner and the third respondent take part in the revision proceedings, the same could not be disposed of, as a result, the compensation cannot be disbursed. Therefore, in the larger interest of both the parties, they are directed to appear before the first respondent so as to dispose of the pending revision filed by the third respondent.

4. In view of the above, this Court is not inclined to interfere with the notice of hearing issued by the first respondent. However, since the matter is pending for a long time, both the petitioner and the third respondents are directed to appear before the first respondent on receipt of fresh notice of hearing that shall be issued in due course. But in any event, the first respondent is directed to dispose of the pending revision filed by the third respondent, on merits and in accordance with law, within



a period of five weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition is disposed of. No Costs. Consequently, connected miscellaneous petitions are closed.

WEB COPY

Sd/-

Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar (CS)

To

1. The District Revenue Officer,
O/o.District Collectorate,
Ramnad District.
2. The Special District Revenue Officer(Land Acquisition),
National Highways,
Ramnad District.

+1cc to Mr.K.P.Selvam (Party-in-person), Sr.No.36588

+1cc to the Special Government Pleader, Sr.No.36378

pm

JM/NGM-MP/SAR-II/15.07.2016/3P-5C

W.P. (MD) No.3425 of 2016
13.07.2016