



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2016

CORAM :

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THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition(MD)No.5345 of 2016

Tmt. D.Kannikadevi @ Devi ... Petitioner

Vs.

- 1.State of Tamil Nadu rep. By its
District Collector, Trichirapalli,
Tiruchi - 620 001.
- 2.National Highways Authority of India
rep. By its Project Director, Karaikudi,
No.1, Second Floor,
Subramaniapuram 3rd street,
Karaikudi - 639 002.
- 3.Authorized Officer/
Special District Revenue Officer (L.A)NH 67,
District Collector's Office Campus,
Pudukkottai.
- 4.T.Nagarajan
- 5.VL.Thangaraj ... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus directing the Respondents 2 and 3 to pay the Land Acquisition Compensation amount in respect of acquisition of the land belonged to the petitioner to an extent of 5300 sq. metres in Palanganangudi Village, bearing Survey Field No.162/26, which was acquired by the 3rd respondent for the beneficiary of 2nd respondent as per official Gazette Notification dated 07.02.2011 under Section 3D & 3G (3) of the National Highways Act 1956 after initiating appropriate action against the fifth respondent for recovering the Land acquisition compensation amount payable in respect of the lands aforesaid of the petitioner, which has been illegally paid in favour of the 5th respondent by them and also in pursuance of her detailed representation dated 29.10.2015.



For Petitioner
For Respondents

: Mr.V.Sitharanjandas
: Mr. J.Gunaseelanmuthiah G.A.,
for R1 to R3
Mr.R.Sundarsrinivasan for R4 and R5

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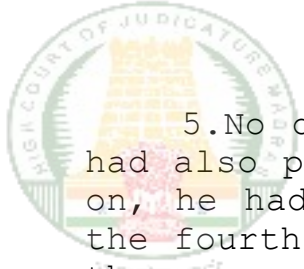
O R D E R

This writ petition has been filed for a Mandamus directing the respondents 2 and 3 to pay the Land Acquisition Compensation amount in respect of acquisition of the land belonged to the petitioner to an extent of 5300 sq. metres in Palanganangudi Village, bearing Survey Field No.162/26, which was acquired by the 3rd respondent for the benefit of the 2nd respondent, as per official Gazette Notification dated 07.02.2011 under Section 3D & 3G (3) of the National Highways Act, 1956, after initiating appropriate action against the fifth respondent for recovering the Land acquisition compensation amount payable in respect of the lands aforesaid of the petitioner, which has been illegally paid in favour of the 5th respondent by them.

2. According to petitioner, she executed a power of attorney in favour of the fourth respondent on 18.08.2011 only for the purpose of getting compensation amount. But, it has been misused by the fourth respondent since the petitioner is an illiterate lady. Based on the above said power of attorney on the very next day of execution, the fourth respondent has sold the property to the 5th respondent and based on that, the authority have also paid the money. Therefore, she seeks for a Mandamus. Now, he has made representation to consider and get the amount back from the unauthorized person. Whereas, the fifth respondent would contend that he is a purchaser for a valuable consideration. He has even changed the patta in his name. After establishing his title, the compensation amount has been paid to the fifth respondent. Therefore, nothing survives in this writ petition at this stage.

3. Today, a report has been filed by the Special District Revenue Officer (Land Acquisition). As per the report, since the 5th respondent was the owner of the land in question as per the sale deed executed in his favour by the 4th respondent as the power of attorney and patta has also been changed in the name of the 5th respondent, the authorities have handed over the compensation amount to the 5th respondent as early as on 19.06.2012 itself bearing cheque No.497840. The fourth respondent/power of attorney of the petitioner sold the land to fifth respondent as early as on 19.08.2011 under document No.7644 of 2011. Earlier, the patta in the name of the petitioner has now been changed in the name of 5th respondent. If at all any dispute between the petitioner and the 5th and 4th respondents, it has to be decided only before the competent civil forum by instituting a civil suit.

4. Head both sides.



5.No doubt the petitioner was the owner of the property. He had also possessed patta at the time of 4(1) enquiry. But, later on, he had executed power of attorney on 18.08.2011 in favour of the fourth respondent and the fourth respondent, who in turn sold the property to the fifth respondent on the very next day. He has also obtained transfer of patta and the patta has been granted in the name of fifth respondent. Therefore, the authority taking into account the subsequent events, had granted the compensation to the fifth respondent way back on 19.06.2012. Now, the contention of the petitioner is that she has cancelled the power of attorney much after execution of the sale deed. Therefore, if at all, the petitioner is aggrieved about the alleged sale made in favour of the fifth respondent, she is at liberty to file a civil suit as against fourth and fifth respondents either for wrongful sale or for the recovery of the amount, which has been wrongly given to the fifth respondent.

6.In view of the above, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(P&A)

/TRUE COPY/

Sub Assistant Registrar

To

1.The District Collector,
Tiruchi.

2.The Project Director,
National Highways Authority of India
No.1, Second Floor,
Subramaniapuram 3rd street,
Karaikudi - 639 002.

3.Authorized Officer/
Special District Revenue Officer (L.A)NH 67,
District Collector's Office Campus,
Pudukkottai.

+1 cc to M/s.V.Sitharanjandas, Advocate in SR NO: 23378
+1 cc to M/s.R.Sundar Srinivasan ADVOCATE in SR NO: 23871
+1cc to the Spl.Govt.Pleader in SR NO: 23631

skn

JA/SKS-RR-SAR-III/6.6.16/3P-7C