

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 23.11.2017
CORAM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
And
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A.No.1107 of 2017
And
C.M.P.Nos.15418 and 15419 of 2017

S.Jayendran

... Appellant

Vs.

1.M.Gajanandam

2.The Competent Authority and
Special District Revenue Officer,
Land Acquisition (National Highways)
Kancheepuram & Tiruvallur District,
Camp at Tahsildar office at Poonamallee,
Chennai - 600 056. ... Respondents

Prayer:

Writ appeal filed under Clause 15 of the Letters Patent
praying to set aside the order dated 07.06.2017 passed in
W.P.No.3575 of 2017.

WP.No.3575 of 2017:Writ Petition filed under Article 226 of the
Constitution of India praying for issuance of a Writ of Mandamus
forbearing the respondents herein from dispersing the
Compensation amounts payable in respect of the lands measuring
617 square meters out of 28 cents comprised in Old S.No.422/02
and presently comprised in New S.No.422/2A2 110 Square Meters
out of 24 cents comprised in Old S.No.428/1A4 presently
comprised in SNo.428/1A4B and 171 square meters comprised in New
S.No.422/4B2 all Kilmudalambedu village in Gummidipoondi Taluk,
Thiruvallur District, and also by directing the Respondent to
deposit the entire compensation amount for the above referred
land before the land Acquisition Tribunal concerned for
necessary adjudication.

For Appellant

: Mr.Suriya Sankar
for Mr.R.Munuswamy

For Respondent No.1

: Mr.R.Krishnaswamy

For Respondent No.2

: Mr.V.Anandhamoorthy
Additional Government Pleader

J U D G M E N T

(Judgment of the Court was delivered by K.K.SASIDHARAN,J.)

The first respondent filed a writ petition in W.P.No.3575 of 2017 for a direction to the second respondent to pay compensation to him on account of the acquisition of property. The learned Single Judge taking into account the pendency of the civil suit between the parties in O.S.No.18 of 2007 on the file of the Subordinate Court, Ponneri, granted liberty to the first respondent to make an application before the civil court. The order is under challenge at the instance of the second respondent in the writ petition on the ground that the competent authority to decide the question of payment of compensation is only the second respondent herein.

2.The civil suit in O.S.No.18 of 2017 between the parties is now pending on the file of the Subordinate Court, Ponneri. The question of disbursement of the amount by the civil court does not arise in view of the fact that the Authority to decide the question of payment of compensation is only the second respondent. It is open to the parties to approach the second respondent depending upon the decree to be passed in the civil suit in O.S.No.18 of 2017 on the file of the Subordinate Court, Ponneri.

3.The writ appeal is disposed of with the above modification. No costs. Consequently, the connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1.The Competent Authority and
Special District Revenue Officer,
Land Acquisition (National Highways)
Kancheepuram & Tiruvallur District,
Camp at Tahsildar office at Poonamallee,
Chennai - 600 056.

+1 cc to Mr.V.Ajoy Khose Advocate sr 83361
+1 cc to the Govt Pleader sr83654
+1 cc to Mr.R.Munusamy Advocate sr 83463

W.A.No.1107 of 2017
And
C.M.P.Nos.15418 and
15419 of 2017

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