

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2017

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.No.3575 of 2017
& W.M.P.No.3609 of 2017

M.Gajanandam

.... Petitioner

- Vs -

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

2.S.Jayendran

(R2 is impleaded as per order dated 07.04.2017
by MMSJ in WMP.6992/2017 in W.P.3575/2017)

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus forbearing the respondent 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.422/2 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 S.No.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 Petitioner : Mr.R.Krishnaswamy

For Respondents : Mr.S.Diwakar
Special Government Pleader for R1

Mr.I.Abraham for R2

ORDER

There appears to be a dispute between the petitioner and the impleaded respondent. A suit for specific performance has been filed in O.S.No.18 of 2007 on the file of Sub Court, Ponneri, which is still pending trial. Now, the present writ petition is filed seeking dispossession of the compensation amount.

2. Admittedly, as on today, the petitioner is only an agreement holder. The ex-parte decree has been set aside. This Court is of the view that the relief sought for in this writ petition cannot be granted at this stage, as the petitioner, as of now, is only an agreement holder. However, considering the facts and circumstances of the case, a direction is issued to the learned Sub Judge, Ponneri, to dispose of O.S.No.18 of 2007 within a period of six weeks from the date of receipt of a copy of this order. Liberty is given to the petitioner to file an application before the Civil Court seeking appropriate interim relief.

3. The writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

raa
To

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

2.The Subordinate Judge,
Ponneri.

+1cc to the Government Pleader Sr.40747
+1cc to Mr.I.Abraham, Advocate Sr.41163

W.P.No.3575 of 2017

sj[co]
srg 20/06/2017