

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.12.2017

Coram: The Honourable Mr. Justice N. SESHASAYEE

W.P.No.29692 of 2015

Mr. A. G. Krishnan

...Petitioner

Versus

1. The Thasildar,
Land Acquisition,
National Highways,
Four ways, No.66,
Krishnagiri.

2. The District Revenue Officer,
Land Acquisition,
National Highways,
Four ways No:7,46,47 & 66
Krishnagiri.

3. The District Collector,
Krishnagiri District,
Krishnagiri.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents herein to pass orders on the representations of the petitioner dated 13.05.2015 within a time frame as fixed by this Hon'ble Court thereby pay compensation for the land acquired in respect of Survey Nos. 180/2 & 183/1B in the name of this petitioner in accordance with law.

For Petitioner : Mr. A. M. Amutha Ganesh

For Respondents : Mr. A. Zakir Hussain,
Government Advocate

O R D E R

The petitioner herein has filed the present petition for issuance of a writ of mandamus to consider his representation dated 13.05.2015.

2. The essence of allegation made in the affidavit filed in support of the petition is that the petitioner owns 2.92 Acres in Survey Nos.180/2 & 183/1B situated at Kannantaalli Village, Pochampalli Taluk, Krishnagiri District, and that a part of his property measuring an extent of 305 sq.mtr has been acquired under the provisions of the National Highways Act, 1956.

3. The learned counsel for the petitioner submitted that no compensation for the said property has yet been paid to the petitioner and therefore, he has preferred a representation dated 13.05.2015 for the said purpose.

4. Mr. Zakir Hussain, learned Government Advocate enters appearance for the respondents and filed the counter affidavit, wherein it is inter alia alleged that the representation of the petitioner is under active consideration of the second respondent, that the compensation amount in terms of the award has been deposited in the Sub Court of Uthankarai under Section 3H(4) of National Highways Act, 1956, since there was a rival claimant to the said property in the form of petitioner's brother.

5. Section 3H(4) of the Act reads as follows:

"3-H. Deposit and Payment of amount -

.....
.....
.....
.....

(4) If any dispute arises as to the apportionment of the amount or any part thereof or to any person to whom the same or any part thereof is payable, the competent authority shall refer the dispute to the decision of the principal Civil Court of original jurisdiction within the limits of whose jurisdiction the land is situated.

Since there is according to the second respondent, petitioner's brother has staked half right in the property, it has deposited the amount in Court. In terms of the above provision, it will not be adequate for the second respondent to deposit the compensation in Court, but he should also competent authority should also refer the dispute to the Court under Sec. 3H(4) of the Act. Therefore, the representation of the petitioner dated 13.05.2015 is directed to be treated as one seeking reference of the dispute to the Civil Court and accordingly the second respondent is directed to make a reference under Section 3H(4) of the above Act.

6. With the above direction, the Writ Petition is disposed of. No costs.

Assistant Registrar
Dt.25.1.18

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Sub Assistant Registrar

To

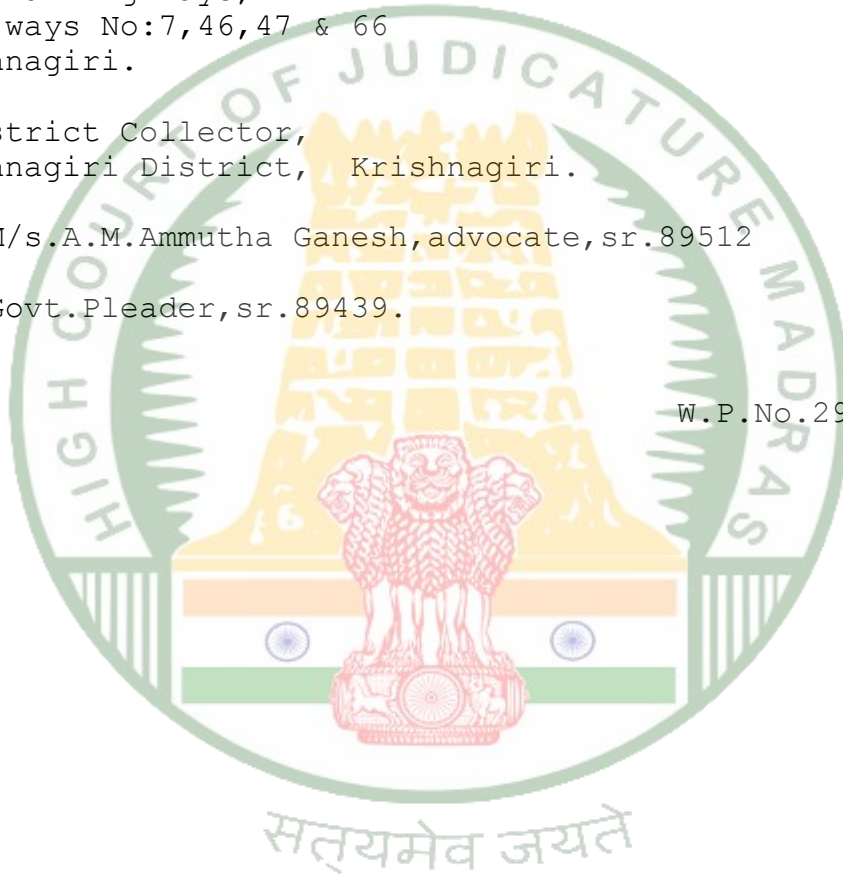
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+1 cc to M/s.A.M.Ammutha Ganesh, advocate, sr.89512

+1 cc to Govt.Pleader, sr.89439.

Krd 2/2

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