

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2017

CORAM

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

W.P.No.43332 of 2016

Irusappa Gounder

.. Petitioner

Vs.

1.The Competent Authority and
Special District Revenue Officer
(L.A.), National Highway,
No.66, Villupuram,
Villupuram District.

2.The Special Tahsildar
(Land Acquisition),
National Highways - 66,
Tindivanam, Villupuram District.

.. Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the respondents to refer the claim of the petition property comprising Survey No.50/2A2 to an extent of 1216 sq.mts. and Survey No.51/5 to an extent of 622 sq.mts. totally to an extent of 1838 sq.mts. situated at Salavathi Village, Tindivanam Taluk, Villupuram District to the competent civil Court as contemplated under Section 3H(4) of the National Highways Act, 1956.

For Petitioner

.. Mr.P.Thirupathiraj

For Respondents

.. Mr.S.Diwakar,
Spl. Govt. Pleader

ORDER

Seeking a direction to the respondents to refer the claim of the petition property comprising Survey No.50/2A2 to an extent of 1216 sq.mts. and Survey No.51/5 to an extent of 622 sq.mts. totally to an extent of 1838 sq.mts. situated at Salavathi Village, Tindivanam Taluk, Villupuram District to the competent civil Court as contemplated under Section 3H(4) of the National Highways Act, 1956, the present writ petition has been filed.

2.The property said to have been belonging to the petitioner

situated in Survey No.50/2A for an extent of 1216 sq. mtrs. and Survey No.51/5 to an extent of 622 sq.mts. totally to an extent of 1838 sq.mts. situated at Salavathi Village, Tindivanam Taluk, Villupuram District has been acquired under the National Highways Act, 1956. The petitioner made a request for reference.

3.It appears from the submissions made by the learned Special Government Pleader that the said request has not been acceded to on the premise that there is a dispute between the petitioner on the one hand and his two brothers on the other hand on the title to the property acquired. Thus the amount awarded has been deposited in the current account.

4.As rightly submitted by the learned counsel for the petitioner an inter se dispute between the petitioner and his brothers cannot be a ground to deny his right to seek a reference. These two issues are different. In other words, in the reference, if higher amount is paid, then it will benefit all the brothers. The respondents herein are not concerned with the inter se dispute between the petitioner and his brothers.

5.In such view of the matter, the writ petition stands allowed with a direction to the respondents to refer the claim of the petitioner to the competent civil Court as required under Section 3H(4) of the National Highways Act, 1956, within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

mmi

To

1.The Competent Authority and
Special District Revenue Officer
(L.A.), National Highway,
No.66, Villupuram,
Villupuram District.

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2.The Special Tahsildar
(Land Acquisition),
National Highways - 66,
Tindivanam, Villupuram District.

+1cc to Mr.P.Thirupathiraj,Advocate sr.15347

+1cc to Government Pleader sr.15279

W.P.No.43332 of 2016

kgk(co)
ss(22/3/2017)



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