



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.06.2017

CORAM

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P. (MD) No.12868 of 2014

WEB COPY

M.Syed Sulthan Beevi

: Petitioner

-vs-

1. The District Collector,
Dindigul District,
Dindigul.
2. The Competent Authority and District Revenue Officer,
No.11/A, Indira Nagar,
Sennamanaickenpatti,
Dindigul,
Dindigul District.
3. The Special Tahsildar,
National Highways No.45 Extension,
Dindigul.
4. R.Bodisamy : Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the 3rd respondent, in his proceedings Na.Ka.No.548/08/A4, dated 19.09.2013 and quash the same and consequently direct the 2nd respondent to release the compensation to the petitioner, whose lands in Ayyalur Village, Survey No.938/2C1 to an extent of 2700 sq.ft., were acquired for winding of the National Highways No.45.

For Petitioner : Mr.G.Gomathi Sankar
For R1 to R3 : Mr.A.Muthukaruppan
Additional Government Pleader
For 4th Respondent : Mr.R.R.Kannan

O R D E R

The writ petition is filed to call for the records pertaining to the order of the 3rd respondent, dated 19.09.2013, quash the same and consequently to direct the 2nd respondent to release the compensation to the petitioner in respect of the lands comprised in Survey No.939/2C1 to an extent of 2700 sq. feet in Ayyalur Village, which were acquired for winding of the National Highways No.45.



2.The case of the petitioner is that the lands in Survey No.938/2C1 to an extent of 6 acres and 68 cents at Ayyalur Village, his father was having 50% share (3 acres and 34 cents). The petitioner derived title to the property, by virtue of a settlement deed in her favour in the year 2002. According to the petitioner, the 4th respondent filed a suit in O.S.No.23 of 2013 for specific performance by creating a sale agreement. In the meanwhile, the respondents 1 to 3 have acquired the property in dispute, but they failed to pay the compensation amount for the same, in view of the objection filed by the 4th respondent. Hence, the present writ petition.

3.It is representation by the learned counsel appearing for the petitioner as well as the learned counsel appearing for the 4th respondent that the suit in O.S.No.23 of 2013 was decreed, based on the joint compromise memo and as per the joint compromise memo, the petitioner had executed a sale deed in favour of the 4th respondent for a property to an extent of 2.72 acres, after receiving entire sale consideration. It is further submitted that even in the joint compromise memo, the 4th respondent permitted the petitioner to withdraw the award amount of Rs.16,48,775/-.

4.Heard both sides and perused the materials available on record.

5.The petitioner and the 4th respondent with their respective counsel are present before this court and filed a joint compromise memo, dated 22.07.2017, which reads as follows:-

"It is submitted that the petitioner is entitled to get the award amount of Rs.16,48,775/- for acquiring a small portion of 557 sq. mtr of the petitioner's land in Ayyalur Village S.No.938/2C1 for which the 4th respondent is not having any objection thereto.

It is submitted that the petitioner executed the sale deed in favour of the 4th respondent with regard to Ayyalur Village Survey No.938/2C1 to an extent of 2 acre 72 cents and the petitioner will not claim any share and will not interfere with the enjoyment of the 4th respondent in the said land."

6.In the above joint compromise memo, the 4th respondent has specifically stated that the petitioner is entitled to get the award amount of Rs.16,48,775/-. The order impugned, in this writ petition, does not reveal that in view of the objection filed by the 4th respondent, the 3rd respondent refused to pay the award amount to the petitioner.



7. In view of the joint memo filed by the parties and also the submissions made on either side, this court is of the considered opinion that the impugned order passed by the 2nd respondent is liable to be set aside.

WEB COPY

8. In the result, this writ petition is allowed and the impugned order passed by the 2nd respondent is set aside. The respondents 1 to 3 are directed to pay the award amount of Rs.16,48,775/- to the petitioner forthwith. The joint compromise memo, dated 22.06.2017 shall form part of the record. No costs.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

Encl: Joint Compromise Memo dated 22.06.2017

To,

1. The District Collector,
Dindigul District,
Dindigul.
 2. The Competent Authority and District Revenue Officer,
No.11/A, Indira Nagar,
Sennamanaickenpatti,
Dindigul,
Dindigul District.
 3. The Special Tahsildar,
National Highways No.45 Extension,
Dindigul.
- +1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 61873.
+1 CC to M/s. G.GOMATHI SANKAR, Advocate, SR No. 61724
+1 CC to M/s. R.R.KANNAN, Advocate, SR No. 61714.

ER

PSM/JC/SAR1/07.07.2017/3P/7C

W.P. (MD) No.12868 of 2014
22.06.2017