



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.A.(MD) No.1126 of 2016

Tmt.D.Kannikadevi @ Devi

... Appellant/Petitioner

Vs.

1.State of Tamilnadu

Rep. by its District Collector,
Tiruchirapalli, Tiruchi -620 001.

2.National Highways Authority of India,

Rep. by its Project Director
Karaikudi, No.1, Second Floor,
Subramaniapuram 3rd Street
Karaikudi - 630 002.

3.Authorized Officer/

Special District Revenue Officer (LA)
NH-67, District Collector's Office Campus
Pudukkottai.

4.T.Nagarajan

5.VL.Thangaraj

... Respondents/Respondents

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent against the order dated 25.04.2016, made in W.P.(MD).No.5345 of 2016.

Prayer in WP(MD) . 5345/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the Respondents 2 and 3 to pay the Land Acquisition Compensation amount in respect of acquisition of the land belonged to the petitioner to an extent of 5300 sq.metres in Palanganangudi Village, bearing Survey Field No.162/26, which was acquired by the 3rd respondent for the beneficiary of 2nd respondent as per official Gazette Notification dt.07.02.2011, under Section 3D & 3G (3) of the National Highways Act, 1956, after initiating appropriate action against the fifth respondent for recovering the Land acquisition compensation amount payable in respect of the lands aforesaid of the petitioner, which has been illegally paid in favour of the 5th respondent by them and also in pursuance of their detailed representation dated 29.10.2015.



For Appellant : Mr.V.Sitharanjan Das

For Respondents :Mr.VR.Shanmuganatham for R1 to R3
Special Government Pleader

Mr.R.Sundar Srinivasan for R5

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JUDGMENT

[Judgment of the Court was delivered by **M.M. SUNDRESH, J**]

This writ appeal has been filed by the appellant seeking writ of Mandamus directing the respondents to pay compensation on the premises that notification issued under Sections 3(D) and 3 G(3) of the National Highways Act referred to her name.

2. The fact as noted by the learned Single Judge would show that the writ petitioner executed a power deed on 18.08.2011 in favour of the respondent No.4. Thereafter a sale deed was executed by the fourth respondent in favour of the 5th respondent on 19.08.2011 and mutation on revenue records was also made. The fifth respondent was given compensation in view of the sale deed executed by respondent No.4 based upon the power deed dated 18.08.2011. Accordingly the compensation was paid on 19.06.2012. It appears that the writ petitioner has cancelled the power of attorney after the execution of the sale deed. Thereafter, the present writ petition was filed in the year 2016. The learned Single Judge knowing the above said facts dismissed the writ petition.

3. The learned counsel appearing for the appellant would submit inasmuch as the writ petitioner's name was found in the notification issued under Sections 3(D) and 3 G(3) of the National Highways Act, 1956, she ought to have been put on notice. When the basic facts are not in dispute, the appellant cannot seek the relief sought for. The official respondent is not expected to conduct a roving enquiry. The fact that the appellant has executed the power deed in favour of the fourth respondent is not in dispute. Therefore, the remedy of the appellant lies elsewhere. Accordingly, the writ appeal is dismissed. No costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar



To

1. District Collector,
State of Tamilnadu
Tiruchirapalli, Tiruchi -620 001.

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2. Project Director
National Highways Authority of India,
Karaikudi, No.1, Second Floor,
Subramaniapuram 3rd Street
Karaikudi - 630 002.

3. Authorized Officer/
Special District Revenue Officer (LA)
NH-67, District Collector's Office Campus
Pudukkottai.

+1cc to M/S.V.SITHARANJAN DAS, Advocate SR.No.73168
+1cc to M/S.R.SUNDAR SRINIVASAN, Advocate SR.No.73410
+1cc to Special Government Pleader, SR.No.73168

jikr

MAS/SV-MMS/SAR2:04.09.2017:3P-7C

Judgment made in
W.A. (MD) No.1126 of 2016
18.08.2017