



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.02.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P(MD)No.3277 of 2017

and

WMP(MD)No.2630 of 2017

J.Balasubramanian

... Petitioner

vs.

1)The Government of Tamilnadu,
Rep. By the Secretary,
Department of Industries,
Fort St.George,
Chennai-9.

2)The District Collector,
Thoothukudi District,
Thoothukudi.

3)The District Revenue Officer,
Thoothukudi District,
Thoothukudi.

4)The Special Tahsildar(Land Acquisition),
Land Acquisition Office(NTPL),
Harbour-Estate,
Thoothukudi, Thoothukudi District.

5)The Chief Executive Officer,
NLC Tamilnadu Power Ltd., (NTPL),
Harbour-Estate,
Thoothukudi, Thoothukudi District.

6)R.C.Annamalai Sivan

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents 1 to 5 herein from disbursing the award amount granted under the Tamil Nadu Acquisition of Land for Industrial Purpose Act, 1997 in respect of the land to an extent of 11 Acres 84 cents in Punjai R.S.No.23, Patta No.746, Melapandiyapuram Village, Ottapidaram Taluk, Thoothukudi District to the 6th respondent herein pending disposal of the suit in O.S.No. 30 of 2017 on the file of the Sub court, Thoothukudi.

<https://hcservices.ecourts.gov.in/hcservices/>
For Petitioner
For R1 to R5

: Mr.S.Muthumalairaja
: Mr.A.Muthukaruppan
Additional Government Pleader

ORDER

The petitioner seeks for a Mandamus, forbearing the respondents 1 to 5 herein from disbursing the award amount to the 6th respondent in respect of an Award passed under the Tamil Nadu Acquisition of Land for Industrial Purpose Act, 1997 acquiring the lands belonging to the 6th respondent.

2. Heard the learned counsel for the petitioner and perused the materials placed before this Court.

3. It is seen that the petitioner is not the owner of the land which was acquired under the abovesaid Act and on the other hand, the 6th respondent is admittedly the owner of the said property. The petitioner claims to have entered into an agreement of sale with the 6th respondent for purchase of the said property. It is also seen that the petitioner has filed a suit in O.S.No.30 of 2017 on the file of the Sub Court, Thoothukudi, seeking for specific performance or in the alternative for refund of the advance amount. It is stated that the said suit is still pending. Now the petitioner seeks for the present relief in this writ petition pending disposal of the suit, so that the award amount is not paid to the 6th respondent.

4. I do not understand as to how the petitioner can maintain the present writ petition, having filed the suit before the Civil Court seeking for the specific performance and also for an alternative relief of refund of the advance amount. Therefore, it is for the petitioner to establish his right and succeed in the civil suit. As the petitioner's interest can always be protected by granting alternative relief, provided, the petitioner establishes his right before the Civil Court in a manner known to law, there is no question of preventing the respondents 1 to 5 from disbursing the award amount to the 6th respondent. Accordingly, I find no merit in this writ petition and hence, it is dismissed. No costs. Consequently, WMP(MD)No.2630 of 2017 is closed.

Sd/-

Assistant Registrar(P & A)

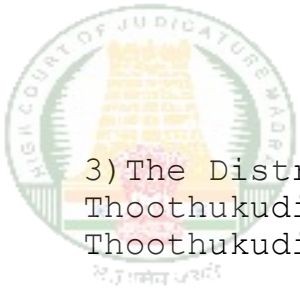
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Sub Assistant Registrar

To

1) The Secretary,
Government of Tamilnadu,
Department of Industries,
Fort St. George,
Chennai-9.

2) The District Collector,
Thoothukudi District,
Thoothukudi.



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NLC Tamilnadu Power Ltd., (NTPL),
Harbour-Estate,
Thoothukudi, Thoothukudi District.

+1cc to M/s. S.MUTHUMALAI RAJA Advocate in SR. NO.10569

+1cc to SPECIAL GOVERNMENT PLEADER in SR. NO.10535

NBI

JS/RSK/SAR.3/06.03.2017/3P-8C

W.P(MD)No.3277 of 2017
24.02.2017