



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **06.10.2017**

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

W.P (MD) No.15337 of 2016

and

**WMP (MD) .Nos.11302 & 11303 of 2016 and
503 of 2017**

Palaniyammal

... Petitioner

Vs.

1. The Special District Revenue Office,
(Land Acquisition),
National Highways 49 and 2010,
Rmanathapuram,
Ramanathapuram District.

2. The Project Director,
National Highways Authority of India,
No.2, Subramaniapuram, 2nd street,
IDBI Upstairs,
Sivagangai District.

3.M.Lakshmipathirajan

4.P.K.Pari

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of the first respondent herein dated 08.08.2016 made in Na.Ka.the.No.49/2016 and quash the same and direct the first respondent herein to deposit the compensation amount to the credit of O.S.No.102 of 2016 on the file of the District Court, Madurai

For Petitioner : Mr.G.Mohan Kumar,

For Respondent 1 : Mr.J.Gunaseelan Muthiah

Government Advocate

For Respondent 2 :Mr.Arul Vadivel alias Sekar

For Respondent 3 :Mr.RST.Ravanan alias Ramasubramanian

For Respondent 4 :Mr.J.Jeyakumaran

**ORDER**

This writ petition has been filed, seeking a writ of Certiorarified Mandamus, to quash the impugned order in Na.Ka.the.No.49 of 2016 dated 08.08.2016, passed by the first respondent and direct the first respondent to deposit the compensation amount to the credit of O.S.No.102 of 2016 on the file of the District Court, Madurai.

2.The learned counsel for the petitioner would submit that the property bearing S.No.1105/5 situated at Veeraganoor Village, Madurai District, originally belonged to the petitioner's father and he passed away in the year 2006. Since then the petitioner has been in possession and enjoyment of the above said property. While so, the second respondent issued a notification for acquisition mentioning his father's name and the 4th respondent as owners of the property. The third and fourth respondents filed W.P.(MD). Nos. 88755 of 2015 and 3355 of 2016 respectively, which were disposed of by a common order dated 04.04.2016, directing the first respondent to conduct enquiry and decide the question of payment to the parties. Though the petitioner, third and fourth respondents have filed their objection before the first respondent, by the impugned order dated 08.08.2016, the first respondent has come to the conclusion that the fourth respondent is the owner of the land and compensation should be disbursed to him. Aggrieved by the order of the first respondent, the writ petitioner has come before this Court, challenging the same.

3.Now after some arguments, the learned counsel for the petitioner submits that the petitioner shall be permitted to file appeal before the competent authority within the time stipulated by this Court.

4.Considering the facts and circumstances of the case and the submission of the learned counsel for the petitioner, the petitioner is permitted to file appeal against the impugned order before the competent authority with liberty to file necessary petition in O.S.No.102 of 2016, filed by the petitioner, which is said to be pending on the file of the District Court, Madurai, within six weeks from the date of receipt of a copy of this order. No costs. Consequently connected Miscellaneous petitions are closed.

5.With the above direction, the writ petition is disposed of. No costs. The Registry is directed to return the original impugned order to the petitioner, forthwith.

Sd/-

Assistant Registrar(AD-II)



To

1. The Special District Revenue Office,
(Land Acquisition),
National Highways 49 and 2010,
Ramanathapuram,
Ramanathapuram District.
2. The Project Director,
National Highways Authority of India,
No.2, Subramaniapuram, 2nd street,
IDBI Upstairs,
Sivagangai District.

+ 1 cc TO Mr.J.Jeyakumaran , Advocate in SR No. 81769
+ 1cc TO Mr.RST.Ravanan @ Ramasubramanian ,Advocate in SR No. 81971
+ 1 cc TO Mr.C.Arul Vadivel @ Sekar , Advocate in SR No. 81918

dsk

AE/KK/SAR3/13.10.2017/3P/6C

ORDER MADE IN
W.P (MD) No.15337 of 2016
06.10.2017