

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2018

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P No.12452 of 2017
and
W.M.P.No.19931 of 2017

Thiuvagasamurthi ..Petitioner

Vs

- 1.The Special Thasildar,
Land Acquisition (National Highway)-Unit-3,
Cholatharam,
Kattumannarkoil and Taluk,
Cuddalore District,
Tamil Nadu.
- 2.The Branch Manager,
Indian Bank,
Kattumannarkoil Branch,
Cuddalore District.
- 3.Sri Pushpa Mariamman Alaiya Trust,
Rep.by its Trustee,
Govindarajanpet Village,
Vanamadevi Post,
Kattumannarkoil Taluk,
Cuddalore - 608 701.

(R2 and R3 are impleaded as per order
dated 07.12.2017 in W.M.P.No.19930 of 2017
in W.P.No.12452 of 2017)

- 4.The Qualified Officer cum Revenue Divisional Officer,
(Land Acquisition) (In-charge),
National High way, Villupuram.
... Respondents

(R4 impleaded as per order of this Court
dated 11.4.2018 in W.M.P.No.9828 of 2018
in W.P.No.12452 of 2017)

Prayer: Writ Petition is filed under Article 226 of the
Constitution of India, seeking issuance of writ of mandamus,
directing the respondent to pay compensation to the petitioner
for his land bearing S.No.27/2, to an extent of 24 cents,
situated at Madura Govindrajan Pettai, Agraputhur Kattumannar

Koил Taluk, Cuddalore District, acquired for the purpose of laying NH 45 C Vikkaravandi - Kumbakonam - Tanjore Division, with interest.

For Petitioner : Mr.P.R.Thiruneelakandan

For Respondents : Mr.Akhil Akbar Ali
Government Advocate for R1 & R4
Mr.R.Rajesh for R3
No appearance for R2

O R D E R

This writ petition has been filed seeking issuance of a writ of mandamus, directing the respondent to pay compensation to the petitioner's land in S.No.27/2 measuring an extent of 24 cents, situated at Madura Govindrajan Pettai, Agraputhur Kattumannar Koил Taluk, Cuddalore District.

2.Heard Mr.P.R.Thiruneelakandan, learned counsel for the petitioner, Mr.Akhil Akbar Ali, learned Government Advocate appearing for the respondents 1 and 4, Mr.R.Rajesh, learned counsel for the third respondent and none appeared for the second respondent.

3. It seems that there is a rival claim over the property acquired by the 1st respondent. The petitioner claims ownership based on patta where as the 3rd respondent on the basis of registered settlement deed.

4.The learned Government Advocate appearing for the respondents 1 and 4 submitted that the petitioner as well as the third respondent claim right over the property and the issue could be decided only by the competent Civil Court as per Section 3H(4) of National Highways Act, 1956. It is further stated that the award amount had already been disbursed and the same is lying with the second respondent - Bank.

5. The learned counsel for the third respondent undertakes that the amount will not be withdrawn by the third respondent, till the dispute is resolved by the Civil Court.

6. In the light of the above facts, the second respondent is directed to deposit the award amount lying in the credit of the third respondent in a Civil Court which has jurisdiction over the matter, if reference is made by the first respondent. Till then, the Bank shall not permit any one to withdraw the amount.

7. Accordingly, this writ petition is disposed of. However there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

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To

- 1.The Special Thasildar,
Land Acquisition (National Highway)-Unit-3,
Cholatharam,
Kattumannarkoil and Taluk,
Cuddalore District,
Tamil Nadu.
 - 2.The Branch Manager,
Indian Bank,
Kattumannarkoil Branch,
Cuddalore District.
 3. The Trustee,
Sri Pushpa Mariamman Alaiya Trust,
Govindarajanpet Village,
Vanamadevi Post,
Kattumannarkoil Taluk,
Cuddalore - 608 701.
 - 4.The Qualified Officer cum Revenue Divisional Officer,
(Land Acquisition) (In-charge),
National High way, Villupuram.
- +1 CC to Mr.P.R. Thiruneelakandan, Advocate sr 29508.
+1 CC to Mr.P. Rajesh, Advocate sr 29458.
+1 Cc to Govt. Pleader sr 30720

W.P No.12452 of 2017
and
W.M.P.No.19931 of 2017

SP(23/05/2018)