



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 17.12.2018

CORAM:
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
W.P. (MD)No.20272 of 2018

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Shanthidevi Ayyal

... Petitioner

Vs

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Special Officer / The District Revenue Officer (LA)
National Highways 67 & 45C,
Vikravandi- Kumbakonam - Thanjavur Section,
Thiruvaur.

3.The Special Tahsildar,
Land Acquisition,
National Highways 45C-Unit 1,
Srinagar Colony,
Kumbakonam.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 to pay the compensation for the land acquired from the petitioner for the properties comprised in Thanjavur District, Thiruvudaimarthur Taluk, Manampadi Village, S.Nos.48/2A2, 48/2B2, 48/2C2, 48/2D2, 48/2E2, 48/2F2, 48/2G2 and 48/2H2.

For Petitioner : Mr.K.Govindarajan

For Respondents : Mr.M.Rajarajan
Government Advocate

ORDER

The lands standing in the name of the petitioner were acquired under the National Highways Act, 1956. There were superstructures standing there on. The authority took the view that the superstructures belonged to the occupants and it is claimed that compensation was directly paid to them. Since, there was dispute regarding the entitlement to receive compensation as regards the lands in question, the authority kept the entire issue in abeyance. Hence, this writ petition has been filed by the petitioner seeking disbursement of the compensation.

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2.The learned counsel for the petitioner submitted that the



petitioner was not put on notice before the compensation was directly disbursed to the occupants. The learned counsel drew the attention of this Court to Section 3H(3) of the National Highways Act, which reads as follows:

"3H. Deposit and payment of amount.-

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(3) Where several persons claim to be interested in the amount deposited under sub-section (1), the competent authority shall determine the persons who in its opinion are entitled to receive the amount payable to each of them."

If there are rival claims the competent authority shall determine the persons who in his opinion are entitled to receive the amount payable to each of them. But then, in the very nature of things, all the claimants must be heard in the enquiry. In this case, the petitioner does not appear to have been put on notice.

3. Therefore, the second respondent is directed to pass orders on the petitioner's representation dated 25.07.2018 on merits and in accordance with law in terms of Section 3H(3) of the National Highways Act, 1956. The petitioner shall be heard and appropriate order shall be passed within a period of six weeks from the date of receipt of a copy of this order.

4. Accordingly, this writ petition is disposed of. No costs.

Sd/
Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar(CS-III)

TO

1. The District Collector,
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National Highways 45C-Unit 1,
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+1cc to Mr.K.Govindarajan, Advocate, SR.No. 100485

+1cc to M/s.Special Government Pleader, SR.No. 100795, 100797

W.P. (MD) No. 20272 of 2018

PNN

KK/RSK/SAR-3/19.12.2018/2P-6C

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