

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2019

CORAM :

THE HON'BLE DR.VINEET KOTHARI, ACTING CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE C.SARAVANAN

W.A.No.2163 of 2018
and C.M.P.No.16758 of 2018

Ramalingam @ Vinayagam

.. Appellant

-vs-

1. The Union of India
Represented by Secretary to
Government (Revenue)
Puducherry
2. The Deputy Collector (Revenue)
North cum Land Acquisition Officer
Puducherry.
3. Paramasivam

.. Respondents

Writ Appeal filed under Clause 15 of Letter Patent, against the order passed in W.M.P. No.13969 of 2018 in W.P. No.11986 of 2018 dated 31.08.2018 by Hon'ble Mr. Justice S.M. Subramaniam.

W.M.P. 13969/2018:

Petition praying this Court pleased to stay the operation of the impugned award in L.A.O.P. 6/2016 on 04.08.2017 on the file of the Learned II Additional District Judge at Puducherry.

W.P.No.11986 of 2018:

Petition filed under Article 226 of the Constitution of India praying this Court pleased to issue a Writ of Certiorarified Mandamus against the Respondents calling for the records relating to the Award passed in L.A.O.P. No. 6 of 2016 on 04.08.2017 on the file of the II Additional District Judge at Puducherry and quashing the same and further directing the Respondents 1 and 2 to disburse the compensation amount of Rs.63,06,106 together with interest to the petitioner.

For Appellant : Mr.S. Sudarshan

For Respondents : Mr.R. Ganesan for R3.

JUDGMENT

(Judgment of the Court was made by The Hon'ble Acting Chief Justice)

This Intra-Court appeal has been directed against the order passed by the learned Single Judge, dated 31.08.2018 in W.M.P. No.13969 of 2018 in W.P.No.11986 of 2018 filed by the appellant/petitioner, Ramalingam @ Vinayagam, who has filed the title suit against his brother, namely, the third respondent, Paramasivam.

2. The learned Single Judge, in the said Writ Petition filed by the appellant/writ petitioner, has only directed that the claimants are permitted to withdraw the compensation amount as per their eligibility and rest of the issues will be decided at the time of passing of the final order in the writ petition. The said Writ Petition No.11986 of 2018 filed by the appellant/petitioner is still said to be pending.

3. Having heard the learned counsels, we are not inclined to interfere with the impugned order passed by the learned Single Judge. However, we direct the third respondent, Paramasivam, who has been directed to withdraw the compensation amount granted by the reference Court to furnish an undertaking before the learned Single Judge as well as the authority who is to disburse the amount, that in case the writ petition filed by the appellant/petitioner is allowed and the third respondent is held to be not entitled to the said compensation, he shall refund the amount in question as directed to be withdrawn by the learned Single Judge.

4. With these observations, the writ appeal is disposed of. No costs. Consequently, C.M.P.No.16758 of 2018 is also closed.

s/d-

Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

cse/bga

Note to Office:

The Registry is directed to send a copy of this order to the third respondent immediately To:

- 1.The Union of India
Represented by Secretary to
Government (Revenue)
Puducherry
- 2.The Deputy Collector (Revenue)
North cum Land Acquisition Officer
Puducherry.

Copy to
M.Paramasivam
S/o. Krishnan
No.8, Fourth Cross Street
Venkata Nagar
Puducherry 605 011.

+1 CC to Mr.R. Ganesan, advocate sr 86156
+1 CC to Mr.S. Subramaniam, Advocate sr 85852.

W.A.No.2163 of 2018

GP(CO)
SP(01/11/2019)

सत्यमेव जयते

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