

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.09.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.22139 of 2019

V.S.Vijay

.. Petitioner

/versus/

1.The Special District Revenue Officer,
(Land Acquisition Officer)
No.136K, Gangai Street,
Highways Nagar,
Salem-636 005.

2.The Project Director,
Tamilnadu Road Sector Project-II,
Tamilnadu Building,
171, South Kesavaperumalpuram,
R.A.Puram,
Chennai-600 028.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to deposit the compensation amount of Rs.30,86,810.00 pertaining to the petitioner to the credit of the suit in O.S.No.72 of 2013 on the file of the Addl.District Court No.IV, Bhavani within a stipulated period.

For petitioner : Mr.Govi Ganesan.K
For Respondents : Mr.D.Raja
Addl.Govt.Pleader

O R D E R

Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

2. The case of the petitioner is that his grand father Appachi Gounder held the property and executed settlement deed in respect of some of the properties in favour of his father Sundaram. However, after the demise of Appachi Gounder, there is a title dispute between the sons of late Appachi Gounder and declaration partition suit is pending in O.S.No.72 of 2013 on the file of the Additional District Court No.IV, Bhavani.

3. While so, the Highways department has acquired the portion of the disputed property, which belong to the petitioner

by way of settlement deed executed by his father Sundaram. The compensation for the acquisition was subject matter in W.P.No.13015 of 2015. Pending the said writ petition, the parties had arrived at consensus based on the private negotiations. Compensation has been fixed and the same has now been deposited in the ESCROW account of the respondents, in view of the pendency of the Civil Suit. The petitioner herein has requested the 1st respondent to deposit the compensation amount in the Civil Suit account, so that, the money will fetch some interest, since the amount deposited in the ESCROW account will not accrue interest. The 1st respondent has responded the petitioner's representation dated 08.01.2019, saying that his request has been forwarded to the Project Director and as soon as instructions received from the Project Director/2nd respondent he will take necessary action. The said communication of the 1st respondent dated 29.01.2019, though gave some hope to the petitioner that the money lying in the ESCROW account will be soon transferred to the civil suit No.72 of 2013 on the file of the Additional District Court No.IV, Bhavani, unfortunately till date the petitioner has not received any communication. Hence, the present writ petition.

4. The learned Additional Government Pleader submits that the State has no difficulty in transferring the money in the suit account, but the money should not be disbursed to the parties unless the title dispute settled. Only after ascertaining the owner of the land, the money has to be disbursed.

5. The perusal of the record annexed in the typed set of papers indicates that the acquisition proceedings initiated by the Special District Revenue Officer (Land Acquisition Officer) vide Na.Ka.No.189/2014/A1 dated 27.11.2014 under Section 15(2) of the Tamilnadu Highways Act, 2001, was the subject matter of batch of writ petitions before this Court. On 23.02.2018, those writ petitions W.P.No.13015 of 2015 etc., were disposed recording the settlement arrived between the writ petitioners (land owners) and the State during private negotiation on the quantum of compensation as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013. The present writ petitioner is one among them, who had preferred W.P.No.13015 of 2015.

6. Pursuant to this order, the 1st respondent has determined the compensation for the land acquired from the petitioner, which was held by Appachi Gounder as Rs.30,86,810/-. In view of the dispute between the legal heirs of the Appachi Gounder, the said amount is deposited in the ESCROW account. The petitioner considering the delay in disposal of the suit between the legal heirs of the Appachi Gounder, with an intention to

earn interest has sought for deposit of the money in the suit account, which in turn can be deposited in any Nationalized bank for interest.

7. This Court finds that the request of the petitioner is reasonable. Since the 1st respondent is unable to get instructions from the higher officials in spite of the representation received in the month of January, this Court allow this writ petition and issue mandamus directing the 1st respondent herein to withdraw the money payable to the petitioner and others, which now stands in the ESCROW account and deposit the same in the suit account O.S.No.72 of 2013 (on the file of the Additional District Court No.IV, Bhavani). On such deposit the Presiding Officer of the said Court shall invest the money in any one of the Nationalized bank under Recurring Deposit Scheme and it could be disbursed as per the decree to be passed in O.S.No.72 of 2013. The 1st respondent shall comply with the said direction within a period of four weeks from today.

8. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

rpl

To

1.The Additional District Judge No-IV,
Bhavani.

2.The Special District Revenue Officer,
(Land Acquisition Officer)
No.136K, Gangai Street,
Highways Nagar,
Salem-636 005.

3.The Project Director,
Tamilnadu Road Sector Project-II,
Tamilnadu Building,
171, South Kesavaperumalpuram,
R.A.Puram,
Chennai-600 028.

+lcc to Government Pleader sr.76520
+lcc to Mr.Govi Ganesan.K, Advocate sr.76328

W.P.No.22139 of 2019

kk(co)
nr 17/10/2019



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