

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.10.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.26446 of 2019
and
W.M.P.No.25808 of 2019

S.Ravindran

.. Petitioner

/versus/

1.The Special District Revenue Officer
(Land Acquisition),
National Highways 47, 67 & 202,
No.3, Sowrimuthu Lane,
Near Om Sakthi Hospital,
Puliyakulam,
Coimbatore 641 045.

2.The Tahsildar,
Madukkarai,
Coimbatore District.

3.Blacksmith Construction Company Private Limited,
Rep.by its Managing Director Mrs.M.Vasanth,
Malumichampatti,
Coimbatore 641 105,
Coimbatore District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to consider the objections dated 26.06.2019 and pass orders for apportionment of compensation for lands acquired in S.Nos.295/1A, 295/1B, 295/1C, 300A and 300C in Malumichampatti Village, Coimbatore in accordance with procedure contemplated under Section 3(H) (3) and (4) of the National Highways Act in a time bound manner.

For Petitioner :Mr.A.Thiyagarajan

For Respondents :Mr.D.Raja, AGP for R1 & R2
Mr.M.R.Thangavel for R3

O R D E R

The prayer in the writ petition is to issue a Writ of Mandamus directing the 1st respondent to consider the objection dated 26.06.2019 and pass orders for apportionment of compensation for lands acquired in S.Nos.295/1A, 295/1B, 295/1C, 300A and 300C in Malumichampatti Village, Coimbatore in accordance with procedure contemplated under Section 3(H)(3) and (4) of the National Highways Act in a time bound manner.

2. The petitioner herein claiming himself as a partner of the 3rd respondent company is before this Court alleging that the land of the 3rd respondent company was acquired by the 1st respondent for expansion of Highways under the National Highways Act 1956. In the said notification, a portion of the land belongs to the partnership firm in S.Nos.295/1A, 295/1B and 29/1C were acquired for the purpose of road expansion. When the petitioner obtained revenue records like patta, chitta and adangal for receiving the compensation, he came to know that the land in S.Nos.300/3A and 300/3C of the firm has already been acquired, though it is not notified by the National Highways Authority. Further, patta is issued to one G.Singaravelu describing as Managing Director instead of Managing Partner of Blocksmith Construction Company along with the 3rd respondent who is no way connected with the land. Thus, raising the title dispute the petitioner has given a representation to the 1st respondent on 26.06.2019 to conduct proper enquiry and apportion the compensation amount for the land acquired.

3. The learned Additional Government Pleader appearing for respondents 1 and 2 would submit that the compensation amount has been received from the requesting authority and the representation of the petitioner as well as the 3rd respondent will be considered appropriately and order will be passed based on the documents of the respective parties.

4. The learned counsel appearing for the 3rd respondent would submit that except S.No.295/1C, the 3rd respondent has no the claim against the petitioner herein in respect of other survey numbers.

5. In the light of the above fact, since the petitioner as well as the 3rd respondent are disputing with regard to the apportionment of the compensation amount, the same shall be considered by the 1st respondent and on appreciating the documents furnished by the respective parties, an appropriate order shall be passed by the 1st respondent in accordance with law.

6. Accordingly, the petitioner as well as the 3rd respondent are directed to submit their representation along with the relevant documents to the 1st respondent within a period of two weeks from today. On receipt of the representation, the 1st respondent shall dispose of the claim of the petitioner, in accordance with law, within a period of two months thereafter.

5. With the above directions, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar (CS VIII)

//True Copy//

Sub Assistant Registrar

To

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Malumichampatti,
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Coimbatore District.

+lcc to Mr.A.Thiyagarajan, Advocate, SR.No.88407
+lcc to the Govt.Pleader, Vide Sr.No.89204

W.P.No.26446 of 2019

and

W.M.P.No.25808 of 2019

Kak(20/11/2019)