



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.2092 of 2019 and

W.M.P.(MD)No.1683 of 2019

S.Amutha

... Petitioner

Vs.

1. The District Collector,
Collector's Office, Madurai - 20.
2. The District Revenue Officer,
Collector Office, Madurai - 625 020.
3. The Special Tahsildar(Land Acquisition),
Madurai - Natham National Highways Project-
Near Suguna Store, Anna Nagar, Madurai - 20.

4. Malayandi @ Ashok

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing respondents 1 to 3 to deposit the Land Acquisition amount fixed for the lands situated at S.No.60/1A and 60/1B an extent of 1 Acre 15 cents; S.No.60/5 an extent of 93 cents; S.No.60/4 an extent of 57 cents; S.No.60/7 an extent of 22 cents; S.No.64/2 an extent of 1 Acre 36 cents; S.No.59/7 an extent of 1 Acre 54 cents; S.No.59/6 an extent of 42 cents; S.No.59/9 an extent of 32 cents; S.No.59/10 an extent of 29 cents; S.No.59/1 an extent of 67 cents; S.No.57/5 an extent of 1 Acre; S.No.57/4 an extent of 94 cents; S.No.57/1 an extent of 92 cents; S.No.63/2 an extent of 30 cents; S.No.63/3 an extent of 38 cents; situated at Periyapatti Village, Madurai North Taluk, Madurai District; and property at S.No.3/3A2 and 3/3B an extent of 1 Acre 37 cents at Kavanoor Village, Madurai North Taluk, Madurai District; totally an extent of 12 Acres 38 cents; and property at S.No.56/1 an extent of 3 Acres 41 cents at Manthikulam Village, Madurai North Taluk, Madurai District and not to disburse the same to the fourth respondent pending O.S.No.24 of 2007 on the file of the V Additional District Court, Madurai, considering the representation of the petitioner dated 21.02.2019.

For Petitioner	: Mr.S.Manohar
For R-1 to R-3	: Mr.K.Mu.Muthu, Additional Government Pleader.
For R-4	: Mr.Anand Chandrasekar, for M/s.Sarvabhauman Associates.

O R D E R



2. The land in question has been acquired under the provisions of the National Highways Act 1956. The compensation payable to the land owners also has been determined. Now the Writ petitioner contends that it should not be disbursed to the fourth respondent. This is because a civil suit is pending between the Writ petitioner and the fourth respondent in O.S.No.24 of 2007 on the file of the V Additional District Court, Madurai.

3. I am of the view that this is a matter that should be determined by the competent authority under Section 3(H)(3) of the National Highways Act 1956. The Writ petitioner has already submitted a representation on 23.01.2019 in this regard. The second respondent shall take a decision under the aforesaid provision on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. The second respondent will hear the Writ petitioner as well as the fourth respondent before passing final orders. It is made clear that this Court has not gone into the merits of the matter.

4. The Writ petition stands disposed of accordingly. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The District Collector,
Collector's Office,
Madurai - 20.
2. The District Revenue Officer,
Collector Office,
Madurai - 625 020.
3. The Special Tahsildar(Land Acquisition),
Madurai - Natham National Highways Project-
Near Suguna Store, Anna Nagar,
Madurai - 20.

+1cc to Mr.S.Manohar,Advocate, SR.No.62997

+1cc to Mr.M/s.Sarvabhauman Associates, SR.No.62375

W.P.(MD)No.2092 of 2019 and

W.M.P.(MD)No.1683 of 2019

24.04.2019

SP/27.04.2019/ 2P/6C

<https://hcservices.ecourts.gov.in/hcservices/>