



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2019

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THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD) No.6285 of 2019

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... Petitioner

-vs-

1. The District Collector,
Dindigul District.
2. The District Revenue Officer,
Dindigul District.
3. The Special Tahsildar (Land Acquisition)
National Highways No.209
Byepass Roads, Oddanchatram
Dindigul District.

... Respondents

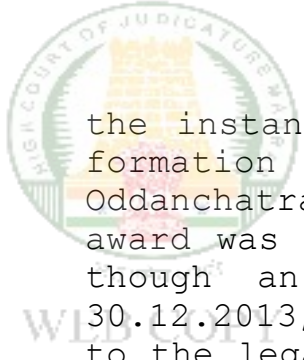
Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus to direct the respondents more particularly, the 2nd respondent to disburse the compensation amount as fixed by him through his proceedings in Na.Ka.No.1/2013/Oddanchatram Roc.No.36066/2009/E1 dated 30.12.2013 to the petitioner within a time frame fixed by this Court.

For Petitioner : Mr.D.Venkatesh

For Respondents : Mrs.V.P.M.Vaishnavi
Government Advocate**ORDER**

The instant Writ Petition has been filed for a mandamus to direct the second respondent to disburse the compensation amount as fixed by him through his proceedings dated 30.12.2013 in Na.Ka.No.1/2013/Oddanchatram Roc.No.36066/2009/E1 to the petitioner.

2.It is the case of the petitioner that the lands in S.No.746/2A at Oddanchatram belongs to the legal representatives of the deceased Kuppanna Gounder. According to the petitioner, he is also one of the legal heirs of Kuppanna Gounder. According to him, the aforesaid lands were acquired by the third respondent at



the instance of the National Highways Authority of India for the formation of bye-pass road in National Highways 209 at Oddanchatram and accordingly, for the acquisition of the lands, an award was passed on 30.12.2013. It is his further case that even though an award was passed by the second respondent dated 30.12.2013, till date, the compensation amount has not been paid to the legal representatives of the deceased Kuppanna Gounder, who are entitled for the compensation. According to the petitioner, despite several representations sent to the respondents to pay the compensation, till date, the compensation amount has not been paid to the petitioner and other legal representatives of Kuppanna Gounder. Under such circumstances, the instant writ petition has been filed.

3. A counter affidavit has been filed by the second respondent, wherein, in Paragraph No.9, it is stated that the petitioner has not produced the documents to prove his right and title over the property. It is also stated that no documents whatsoever have been given by the petitioner, as to how, he claims to be the legal heir of the original purchaser, who got the lands by way of auction. Therefore, according to the second respondent, only after the receipt of those documents, they will be in a position to pay the compensation amount.

4. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.

5. Admittedly, as seen from the counter affidavit, an award has been passed, wherein, compensation of a sum of Rs.91,04,700/- has been fixed for the acquisition of the lands at S.No.746/2a at Oddanchatram, which, the petitioner claims to be one of the share holders along with the other legal representatives of the deceased Kuppanna Gounder. It is admitted by the learned counsel for the petitioner that before the respondents, the petitioner did not produce the death and legal heirship certificates for Kuppanna Gounder. But, before this Court, on instructions, he submits that the petitioner will produce the same before the respondents and that on production of the death and legal heirship certificate for Kuppanna Gounder, the respondents may be directed to pay the compensation to the legal representatives of the deceased Kuppanna Gounder.

6. As seen from the counter affidavit, it is clear that the respondents have not paid the compensation amount to the beneficiaries only due to the fact that documents were not produced to establish their title over the property. Since the learned counsel for the petitioner has submitted before this Court that the petitioner is ready and willing to produce all documents before the respondents to prove the title over the property, this Court is of the considered view that the second respondent shall pay the compensation amount as per the award



dated 30.12.2013 to the beneficiaries, who are the legal representatives of the deceased Kuppanna Gounder, of which, the petitioner is one amongst them.

7. In the result, on receipt of the documentary evidence, namely, death and legal heirship certificates of the deceased Kuppanna Gounder and other documents to establish the petitioner and other stake holders title over the property, the second respondent is directed to pay the compensation amount as per the award dated 30.12.2013 within a period of eight weeks from the date of receipt of a copy of this order.

8. With the aforesaid direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar(CS)

To:

1. The District Collector,
Dindigul District.
2. The District Revenue Officer,
Dindigul District.
3. The Special Tahsildar (Land Acquisition)
National Highways No.209
Byepass Roads, Oddanchatram
Dindigul District.

+1 CC to SPECIAL GOVERNMENT PLEADER (SR-64713[F] dated 30/04/2019)

W.P. (MD) No. 6285 of 2019
29.04.2019

RR

AE/ (13.05.2019) 3P 5C