



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **19.11.2019**

CORAM:

THE HONOURABLE MR. JUSTICE M. SUNDAR
W.P(MD)No.1203 and 10797 of 2019

WEB COPY

R.Periyasamy
S.Sonai

... Petitioner in W.P.(MD)No.1203 of 2019
... Petitioner in W.P.(MD)No.10797 of 2019

/Vs./

1.The District Collector,
Collectorate Buildings, Madurai District.

2.The Revenue Divisional Officer,
Collectorate Buildings, Madurai District.

3.The Tahsildar, Madurai North,
Collectorate Buildings,
Madurai District. ... Respondents in W.P.(MD)No.1203 of 2019

1.The District Revenue Officer,
Collectorate Buildings,
Madurai District.

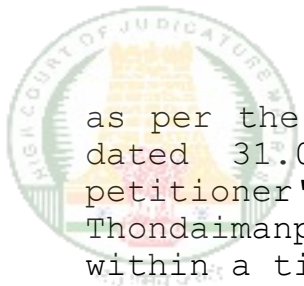
2.The Special District Revenue Officer / Competent Authority,
National Highways Authority of India,
Madurai North Taluk,
Karur Vysya Bank Upstairs,
Near Suguna Store, Madurai.

3.The Project Director,
National Highways Authority of India,
Madurai. ... Respondents in W.P.(MD)No.10797 of 2019

(R2 is cause title amended vide Court order dated 29.04.2019 in WP (MD)No.10797/2019, R3 is Suo Motu impleaded vide Court order dated 29.04.2019 in WP(MD)No.10797 of 2019)

PRAYER in W.P.(MD)No.1203 of 2019: Writ Petition - filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 07.01.2019 as per Section 3H(4) of the National Highways Act, 1956 and Patta Pass book Act, 1983 within a time frame as may be fixed by this Court.

PRAYER in W.P.(MD)No.10797 of 2019: Writ Petition - filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 and 2 to pay the compensation



as per the award No.19/2018, vide proceedings ROC No.33152/2018/B3, dated 31.08.2018 for the acquisition of 1780 sq.mtr. of the petitioner's land comprised in S.No.16/5A1A in Chathira Thondaimanpatti Village in Madurai North Taluk in Madurai District, within a time to be fixed by this Court.

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For Petitioner : Ms.P.Jessi Jeeva Priya
For Respondents : Ms.V.P.M.Vaishnavi
Government Advocate
(in W.P.(MD)No.1203 of 2019)
For Petitioner : Mr.R.Suriya Narayanan
For R-1 & R-2 : Ms.V.P.M.Vaishnavi
Government Advocate
For R-3 : Mr.Arulvadivel @ Sekar
(in W.P.(MD)No.10797 of 2019)

COMMON ORDER

This common order is being passed by consent and this common order will dispose of both these writ petitions. W.P.(MD)No.1203 of 2019 shall be referred to as 'I WP' and W.P.(MD)No.10797 of 2019 shall be referred to as 'II WP' for the sake of convenience and clarity.

2. As this is a consent order, suffice to say that 'land admeasuring 1780 sq.mtrs., comprised in 16/5A1A in Chathira Thondaimanpatti Village, Madurai North Taluk, Madurai District' (hereinafter referred to as 'said land') was acquired under the 'National Highways Act, 1956 (48 of 1956)' (hereinafter referred to as 'said Act' for the sake of brevity).

3. Post acquisition, determination of amount payable as compensation under Section 3-G of said Act has been completed and deposit/compensation in accordance with Sub Sections (1) and (2) of Section 3-H of said Act have also been completed. Considering that this is a consent order, it may not be necessary to dilate further on facts.

4. From the narrative thus far, it will be clear that the matter has to now proceed from Sub-Section (3) of Section 3-H of said Act, owing to these two writ petitions. In these two writ petitions ie., I WP and II WP, writ petitioners make rival claims opposed to each other qua said land. Therefore, Sub-Section (3) of Section 3-H of said Act kicks in and matter has to proceed therefrom.

5. Most relevant provisions are Sub-Sections (3) and (4) of Section 3-H of said Act and the same read as follows:



'3-H.Deposit and payment of amount.-

(1).....

(2).....

(3) Where several persons claim to be interested in the amount deposited under sub-section (1), the competent authority shall determine the persons who in its opinion are entitled to receive the amount payable to each of them.

(4) If any dispute arises as to the apportionment of the amount or any part thereof or to any person to whom the same or any part thereof is payable, the competent authority shall refer the dispute to the decision of the principal civil Court of original jurisdiction within the limits of whose jurisdiction the land is situated.

(5).....

(6).....'

6. A perusal of the aforesaid provisions will reveal that there is a reference to competent authority. There is no disputation that competent authority which is defined under Section 3(a) of said Act is the first respondent in II WP namely jurisdictional DRO.

7. Learned State counsel submits that the first respondent in II WP shall now proceed with the matter qua the two writ petitioners in accordance with Sub-Sections (3) and (4) of Section 3-H of said Act and conclude proceedings within a period of twelve (12) weeks from the date of receipt of a copy of this order.

8. Recording the aforesaid submission, instant Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The District Collector,
Collectorate Buildings, Madurai District.



2.The Revenue Divisional Officer,
Collectorate Buildings, Madurai District.

3.The Tahsildar, Madurai North,
Collectorate Buildings,
Madurai District.

4.The District Revenue Officer,
Collectorate Buildings,
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5.The Special District Revenue Officer / Competent Authority,
National Highways Authority of India,
Madurai North Taluk,
Karur Vysya Bank Upstairs,
Near Suguna Store, Madurai.

6.The Project Director,
National Highways Authority of India,
Madurai.

+1 CC to M/s.P. JESSI JEEVA PRIYA, Advocate (SR-99632[F] dated
20/11/2019)

+1 CC to MR.R.SURIYANARAYANAN, Advocate (SR-99377[F] dated
19/11/2019)

+1 CC to MR.C. ARUL VADIVEL @SEKAR, Advocate (SR-99624[F] dated
20/11/2019)

+1 CC to SPL GP (SR-99993[F] dated 20/11/2019)

Common Order made in
W.P(MD)No.1203 and 10797 of 2019
Dated:19.11.2019

__MK (05.12.2019) 4P 11C