

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2020

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P. No. 19772 of 2012

Selvaraja Mills Private Limited
Represented by its whole time Director
Mr. S.Venkata Kumar
Chinthamanipudur post
Coimbatore - 641 103.

.. Petitioner

Vs.

1. The District Collector/Competent Authority
Coimbatore District,
Coimbatore.
2. The District Collector
Tiruppur District
Tiruppur.
3. The Special District Revenue Officer
Officer of the Competent Authority and
Special District Revenue Officer
(L.A.) NH 47 & 67
No.3, Sowrimuthu Chettiar Street
Red Fields,
Coimbatore - 641 045.

[R3 cause title amended as
per court order dated
04.09.2012 by VPDJ in M.P.
No. 1 / 2012 in W.P.No. 19772
/ 2012]

4. The District Revenue Officer
Tiruppur.
5. The Project Director
National Highways of India
Old No.28/1, New No.51/2
50 Feet Road, Krishnasamy Nagar
(Gem Hospital Backside)
Ramanathapuram
Coimbatore.

[R5 cause title amended as
per court order dated
04.09.2012 by VPDJ in
M.P.No.1/2012 in
W.P.No.19772/2012]

6. The Joint Commissioner
Hindu Religious and Charitable Endowment
Tiruppur.

[R6- Impleaded as per order
dated 04.12.2013 by MVJ in
M.P.No. 1/2013 in
W.P.No.19772 /2012]

... Respondents

Petition under Article 226 of the Constitution of India
praying for issuance of Writ of Mandamus, directing the
respondents herein to pay the compensation of Rs.13,79,563/-
determined and deposited by the Central Government under Section
3(h) of the Act 48 of 1956 in respect of land in Survey No.239/2
of Pongalur Village, Palladam Taluk, measuring 1650 sq mtr.

For Petitioner : Mr.T.S.Baskaran

For Respondents : Mr.M.Elumalai
Government Advocate (For R1 to R4)

Mr.Neelakandan
Government Advocate (For R5)

Mr.M.Karthikeyan
Special Government Pleader (For R6)

ORDER

Heard Mr.T.S.Baskaran, learned counsel for the Petitioner,
Mr.M.Elumalai, learned Government Advocate for respondents 1 to
4, Mr.Neelakandan, learned Government Advocate for respondent 5
and Mr.M.Karthikeyan, learned Special Government Pleader for
respondent 6.

2. The petitioner seeks for issuance of Writ of Mandamus to
direct the respondents to pay the compensation of
Rs.13,79,563/-, which has been determined and deposited under
Section 3H (1) of the National Highways Act, 1956 [hereinafter
referred to as "the Act"] in respect of the land in survey
No.239/2, Pongalur Village, Palladam Taluk, measuring an extent
of 1650 square metre. The fifth respondent has filed a counter

affidavit, from which, it is seen that the sixth respondent - the Joint Commissioner, Hindu Religious and Charitable Endowment, Coimbatore has sent a communication to the fourth respondent, stating that the land in question as well as the other lands are owned by the temple and requested that the compensation cannot be disbursed to the writ petitioner. For such reason, the fifth respondent has deposited the compensation, which has been computed, to the credit of the fourth respondent and the money is now lying with the competent authority. In such situation, the statutory enactments provide for a procedure to be adopted the relevant provisions being section 3H(1) of the Act, which deals with deposit and payment of amount. In terms of sub-section 3 of Section 3H of the Act, where several persons claim to be interested in the amount deposited, under-section (1) of the Act the competent authority, namely, the concerned District Revenue Officer shall determine the persons, who in its opinion are entitled to receive the amount payable to each of them. Subsequently, sub-section (4) of Section 3H of the Act, deals with the cases where the disputes 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. Thus, the concerned competent authority is required to follow the procedure contemplated under sub-sections (3) and (4) of 3H of the Act, in the light of the objections raised by the sixth respondent.

3. In the light of the above, the fourth respondent is directed to issue notice to the petitioner, the sixth respondent as well as the Executive Officer of the concerned temple and the Project Director, NHAI, Karur and consider their objections and if a determination cannot be made in terms of Sub-section (3) of Section 3H then the procedure under Section 3H(4) has to be followed by the Fourth Respondent. The party shall be heard in person and all documents be considered before taking a decision. This direction be complied with by the fourth respondent within a period of 3 months from the date on which the enquiry commenced. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector/Competent Authority
Coimbatore District, Coimbatore.
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Tiruppur District
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Ramanathapuram
Coimbatore.
 6. The Joint Commissioner
Hindu Religious and Charitable Endowment
Tiruppur.
- +1 cc to M/s.Wilson Associates, Advocate, S.R.No.18387
- +1 cc to Mr.T.S.Baskaran, Advocate, S.R.No.18461
- +2 cc to the Government Pleader, S.R.No.18719 & 18841

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W.P. No. 19772 of 2012

CNR(CO)
RN(21/05/2020)