

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.25549 of 2015

G.Anandhan

... Petitioner

v.

1.The District Collector,
Thiruvallur District,
Thiruvallur.

2. The Special District Revenue Officer (L.A.),
National Highways, Thiruvallur District.

3. Malliga

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuing a Writ of Mandamus directing the respondents 1 and 2 to pay compensation for acquiring the petitioner land in S.No.160/15B, Panapakkam village, Thiruthani Taluk, Thiruvallur District to an extent of 1350 sq.meter.

For Petitioner : Mr. R. Jayaprakash

For Respondents: Mr. M. Elumalai

Addl. Govt. Pleader - for R1 & R2

Mr. S. Udaya Kumar- for R3.

O R D E R

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus directing the respondents 1 and 2 to pay compensation for acquiring the petitioner's land in S.No.160/15B, Panapakkam Village, Thiruthani Taluk, Thiruvallur District to an extent of 1350 sq.meter.

2. It is not in dispute that an extent of 1350 sq. meter in S.No.160/15B was acquired by the 2nd respondent and an award was also passed in Award No.13. After the passing of the award, the 3rd respondent raised an objection that she is also entitled for compensation and the 3rd respondent had also filed a Civil Suit in O.S.No.57 of 2002 on the file of the District Munsif Court, Thiruthani, seeking for declaration and for permanent injunction.

3. According to the learned counsel for the 3rd respondent, the suit is still pending.

4. Mr. M. Elumalai, learned Additional Government Pleader , appearing for the respondents 1 and 2, submitted that since there is a rival claim made by the 3rd respondent, the respondents 1 and 2 would deposit the compensation amount before the Civil Court shortly under section 3H(4) of the National Highways Act.

5. Since there are rival claims in respect of the compensation awarded by the respondents 1 and 2, the remedy open to them is to sort out the issue before the competent Civil Court. In such view of the matter, on deposit of the award amount, the petitioner and the 3rd respondent may initiate appropriate proceedings before the Civil Court to establish their right in respect of the compensation amount to be deposited by the respondents 1 and 2.

With these observations, the Writ Petition is disposed of.
No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

Rj

To

1. The District Collector,
Thiruvallur District,
Thiruvallur.

2. The Special District Revenue Officer (L.A.),
National Highways,
Thiruvallur District.

+1 CC to Mr.R. Jayaprakash, Advocate sr 31260.

W.P.No.25549 of 2015

MG(CO)
SP(19/10/2020)