



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2020

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P. (MD)No.1477 of 2020

and

W.M.P. (MD)Nos.1178 and 1180 of 2020

WEB COPY

V.Valanadu

... Petitioner

vs.

1.The Recognize Officer - cum-
Special District Revenue Officer,
(Land Acquisition - National High Ways),
Collectorate, Ramnad.

2.The Tahsildar,
(Wing-1, National Highways -49),
(Land Acquisition), Melkarai,
Manamadurai, Sivagangai District.

3.S.Rama

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records in Na.Ka.A1/82/2015, dated 20.12.2019 on the file of the second respondent and quash the same.

For Petitioner	:Mr.S.Ramesh
For R1 and R2	: Mrs.VPM.Vaishnavi
	Government Advocate
For R3	:Mr.G.Prabh Rajadurai

O R D E R

This Writ Petition is filed to quash the impugned order passed by the second respondent, dated 20.12.2019.

2.The second respondent passed the impugned order directing the amount to be deposited in the name of Minor.Maheesha, under the guardianship of Tmt.Rama, the third respondent herein. It is stated that the second respondent has passed the impugned order, which is against the interest of petitioner and his minor daughter. It is stated further that order is contrary to the direction of this Court in W.A. (MD)No.214 of 2017.

3.With regard to the apportionment, the petitioner has no grievance for the third respondent to take 3/5 share, as directed by the second respondent. The dispute is now only in respect of 1/5



share of the petitioner and his daughter.

4.The learned Counsel for the third respondent submitted that the third respondent has disputed the right of petitioner or his other sister towards 2/5 share. Without prejudice to his right in the pending suit, the learned Counsel for the third respondent agrees that subject to the outcome of the pending civil suit, the amount determined by way of compensation can be directed to be in Court deposit.

5.Both Counsel have agreed that in respect of 1/5 share of petitioner and his minor daughter, money can be deposited to the credit of O.S.No.56 of 2007 on the file of the Mahila Court, Sivagangai. The Mahila Court, Sivagangai is directed to keep the money in a fixed deposit in any of the Nationalised Bank to the credit of the suit. Depending upon the final verdict in the civil suit, the parties are entitled to get appropriate relief from the Civil Court. The impugned order is modified to the effect that 1/5th share of compensation shall be deposited to the credit of the suit in O.S.No.56 of 2007 on the file of the Mahila Court, Sivagangai. However, the amount shall be invested in a fixed deposit in any one of the Nationalised Bank, forthwith.

6.The learned Counsel for the petitioner also submitted that there may be a similar direction in respect of other 1/5 share, that may be claimed by other sister of third respondent. However, she is not made as a party before this Court. In case, she makes a claim or similar request, the official respondents shall consider the same and the money, which is claimed by her also be deposited in Court to the credit of suit.

7.With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitioners are closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

cmr
To

1.The Presiding Officer,
The Mahila Court, Sivagangai.

2.The Recognize Officer - cum-
District Revenue Officer,

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



(Land Acquisition - National High Ways),
Collectorate, Ramnad.

3.The Tahsildar,
(Wing-1, National Highways -49),
(Land Acquisition), Melkarai,
Manamadurai, Sivagangai District.

+2 CC to M/s.V.RAGAVACHARI, Advocate (SR-4018[F] dated 30/01/2020)

+1 CC to M/s.SPL.GP (SR-4322[F] dated 31/01/2020)

W.P. (MD) No.1477 of 2020
29.01.2020

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