



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **08.12.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **S. VAIDYANATHAN**

W.P (MD) No.17872 of 2020

R.Periyasamy

... Petitioner

Vs.

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

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

3.The Tahsildar (Land Acquisition),
National Highways No.785,
Madurai - Natham National Highways,
D.No.5, Opposite to Arulmalar Matric School,
K.K.Nagar,
Madurai - 625 020.

4.T.Deivam

5.Senthil

6.Rajkumar

7.Rajeshwari

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to consider the objections of the petitioner dated 11.11.2020 as per Section 3H(4) of the National Highways Act, 1956 within a time frame as may be fixed by this Court.

For Petitioner

: Mr.T.Gopi

For Respondents

: Mr.K.P.Krishnadoss

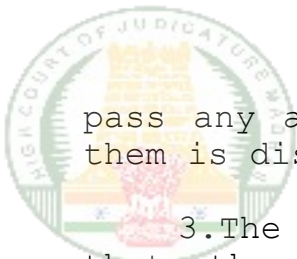
1 to 3

Special Government Pleader

ORDER

This Writ Petition is filed seeking issuance of a Writ of Mandamus directing the respondents to consider the objections of the petitioner dated 11.11.2020 as per Section 3H(4) of the National Highways Act, 1956 within a time frame as may be fixed by this Court.

2.Heard the learned Counsel appearing for the petitioner and Mr.K.P.Krishnadoss, learned Special Government Pleader, who took notice for the respondents 1 to 3. Since this Court is not going to



pass any adverse orders against the respondents 4 to 7, notice to them is dispensed with.

3.The learned counsel appearing for the petitioner would submit that the property in Old S.No.16/5, Resurvey No.16/5A1A, New Subdivision Survey No.16/5A1B measuring to an extent of 0.0100 Hectare, S.No.16/A2 measuring to an extent of 0.0006 Hectare is a part of 1 acre 32 cents has been purchased by the petitioner's paternal grandfather namely R.Potha Karuppa Konar, S/o.Rama Konar from one Sonai Sambhan, son of Chinnakaruppan through a registered sale deed bearing Doc. No.90/1934 and has been in possession and enjoyment of the said property. While so, the so-called predecessor in title to the vendor of the respondents 4 to 7 had mutated the revenue records by taking advantage of the similarity in name viz, one Sonai, son of Oyyappan @ Madayan as if he is the Sonai Sambhan, son of Chinna Karuppan. Thereafter, the said properties have been acquired by the National Highways Department and the first respondent had passed an award in Award Nos.19/2018 vide proceedings dated 31.08.2018 as if the said Sonai and respondents 4 to 7 are the real owners. As against the said award, the petitioner made an objection on 07.01.2019. Thereafter, pursuant to the order passed in W.P.(MD)No.1203 of 2019, which was filed by the petitioner, the third respondent called the petitioner for enquiry on 11.11.2020 before whom the petitioner made an objection stating that the award has been wrongly passed in favour of the respondents 4 to 7 for which they are not entitled to and seeking to pay compensation to the petitioner. Though the third respondent has received the same, no further order was passed considering the said objection. It is further submitted that as per Section 3H(4) of the National Highways Act, 1956, if any dispute arises as to whom the amount of compensation 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. The third respondent has not even referred the matter to the Principal Civil Court. Hence, the petitioner has come forward with the present Writ Petition.

4.Mr.K.P.Krishnadoss, learned Special Government Pleader would submit that a notice has been issued to the petitioner on 05.11.2020 and the enquiry has already been concluded on 11.11.2020 and an objection is stated to have been given by the petitioner through his lawyer and the private respondents who are also claiming the benefit.

5.Considering the facts and circumstances of the case, this Court, without expressing any opinion on the merits of the matter, directs the third respondent to consider the objection submitted by the petitioner on 11.11.2020 and to pass appropriate orders thereon in accordance with law within a period of 120 days from the date of receipt of a copy of this order, after hearing the petitioner and



affected, if there is no legal impediment to do so.

6. With the above direction, this Writ Petition is disposed of.
No costs.

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Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SRM

To

- 1.The District Collector,
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+1 CC to Special Government Pleader SR.No.24661 of 2020.

W.P. (MD) No.17872 of 2020

08.12.2020

(NA) CO

AP(04/01/2021) 3P 5C