



situated at Naduvapatti Village, Enchar Post, Sivakasi Taluk, Virudhunagar District to the petitioner in the light of representation of the petitioner dated 04.12.2014.

2.The fourth respondent died during the pendency of this writ petition and the legal heirs of the fourth respondent are impleaded as respondents 5 to 11.

3.It is the case of the petitioner that the land belonged to the petitioner was acquired and compensation has also been paid to him. However, there was a rival claim at the instance of the fourth respondent. It is stated by the petitioner that in the suit filed by the petitioner against the fourth respondent was decreed exparte and that the petitioner has been declared as owner of the property, which was acquired. The suit in O.S.No.495 of 2004 on the file of the District Munsif, Virudhunagar was filed by the petitioner as plaintiff against the fourth respondent and others for declaration that the suit property belongs to the plaintiff and for consequential injunction restraining the defendants 2 and 4 to disburse the compensation to the first defendant, who is the fourth respondent herein and also for mandatory injunction to direct the defendants 2 and 4 to disburse the compensation to the petitioner herein.

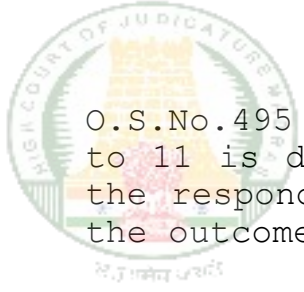
4.Based on the exparte decree, it appears that the petitioner has approached the Land Acquisition Officer for disbursement of the compensation to the petitioner. Based on the records produced by the petitioner, it appears that the Sub-Collector, Sivakasi, by proceedings dated 31.01.2017, has disbursed the compensation to the petitioner.

5.The learned counsel appearing for the respondents 5 to 11 produced a cheque drawn in favour of the petitioner to show that the compensation demanded in respect of land acquired and the compensation was disbursed even in the month of December 2017.

6.It is stated that the first defendant in the suit, who is the fourth respondent herein, died in the year 2006 whereas the judgment and decree in O.S.No.495 of 2004 was passed on 29.07.2008 and it is contended by the learned counsel for the respondents 5 to 11 that the judgment and decree in O.S.No.495 of 2004 is a nullity as it was passed against the dead person. It is also submitted that the respondents 5 to 11 have filed a petition to set aside the exparte decree in the suit in O.S.No.495 of 2004.

7.The learned Government Advocate appearing for the official respondents submitted that the official respondents, while passing an award, has obtained a bond from the petitioner.

8.In such circumstances, the respondents 5 to 11 are given liberty to approach the Court and prosecute further to set aside the exparte decree in O.S.No.495 of 2004. In case, the decree in



O.S.No.495 of 2004 is set aside and the title of the respondents 5 to 11 is declared in the suit, after setting aside exparte decree, the respondents 1 to 3 shall pass appropriate orders depending upon the outcome of the civil suit in O.S.No.495 of 2004.

9. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

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/ /2020

Sub Assistant Registrar(CS)

To

1. The District Collector,
Virudhunagar District,
Virudhunagar.

2. The Revenue Divisional Officer,
Sivakasi, Virudhunagar District.

3. The Special Tahsildar (Land Acquisition),
Special Minor Irrigation Programme,
Virudhunagar, Virudhunagar District.

+1 CC to M/s.P.JESSI JEEVA PRIYA, Advocate (SR-962[F]

+1 CC to M/s.SPL.GP (SR-951[F] dated 09/01/2020)

+1 CC to M/s.A.P.MUTHUPANDIAN, Advocate (SR-1151[F]

W.P. (MD) No.10647 of 2015

08.01.2020

SMA/10/02/2020/3P/7C