



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :18.08.2020

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.(MD) No.25639 of 2019

A.Suresh

...Petitioner

Vs

1.The Project Director,  
National Highways Authority of India,  
No.2, Subramaniyapuram 2<sup>nd</sup> Street,  
IDBI upstairs,  
Karaikudi,  
Sivagangai District.

2.The District Revenue Officer /  
Special District Revenue Officer,  
(Land Acquisition Section),  
No.49, National Highways,  
Ramanathapuram,  
Ramanathapuram District.

3.The Special Officer,  
(Land Acquisition),  
Unit II, Manamadurai,  
Sivagangai District.

...Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to direct the respondents to pay the award of compensation awarded for the acquisition of the petitioner's land Comprised in Survey No.172/7B to an extent of 10 cents out of 1 acres 5 cents situated at Keeladi Village, Manamadurai Taluk, Sivagangai District, based on the sale deed vide Document No.5347 / 2011 dated 10.11.2011 in favour of the petitioner on the basis of the petitioner's representation dated 27.09.2018.

|                |                                              |
|----------------|----------------------------------------------|
| For Petitioner | : Mr.S.Vellaichamy                           |
| For R1         | : Mr.C.Arulvadivel @ Sekar                   |
| For R2 & R3    | : M/s.V.P.M.Vaishnavi<br>Government Advocate |

### **ORDER**

This writ petition is filed to direct the respondents to pay the award of compensation for the acquisition of the petitioner's land in S.No.172/7B, measuring to an extent of 10 cents out of 1 acres 5 cents situated at Keeladi Village, Manamadurai Taluk, Sivagangai District.



2. According to the petitioner, he purchased the aforesaid property by a registered sale deed dated 10.11.2011. However, without issuing any prior notice to the petitioner, the 2<sup>nd</sup> respondent had acquired the said property in the year 2015 for the purpose of laying four way lane road ie., NH-49 from Madurai to Rameswaram. In this regard, the petitioner made a representation dated 27.09.2018 to the respondents, requesting them to pay compensation for the said acquisition. So far, no action has been taken. Hence, the petitioner is before this Court.

3. The learned Government Advocate appearing for the respondents 2 and 3 would submit that originally the aforesaid property stood in the name of A.Ramu Ammal in patta No.516. No one either the pattathar or any other interested persons in respect of said property has appeared for 3G(3) enquiry, which was conducted on 25.11.2016 and 18.02.2018, to prove their claims over the property.

4. The learned Government Advocate would further submit that after the demise of said A.Ramu Ammal, her two daughters namely, Parameshwari and Radha, had filed a suit in O.S.No.25 of 2010 on the file of the Sub Court, Sivagangai for partition as against their brother and others, which was later transferred to the Sub Court, Manamadurai and renumbered as O.S.No.112 of 2019. The said suit is pending for enquiry and that therefore, there is no possibility for making payment of compensation to the petitioner in respect of the said property.

5. The learned Government Advocate further undertakes, after the disposal of the suit in O.S.No.112 of 2019, if the petitioner gives a representation afresh before the authorities concerned to pay compensation for the aforesaid acquisition, the same shall be considered for disburse the same.

6. Considering the facts and circumstances of the case that pending suit, there is no possibility for making payment of compensation to the petitioner for the said acquisition and by recording the undertaken given by the learned Government Advocate, this Writ Petition is closed with liberty to the petitioner to workout his remedy before the civil Court. No costs.

Sd/-

Assistant Registrar

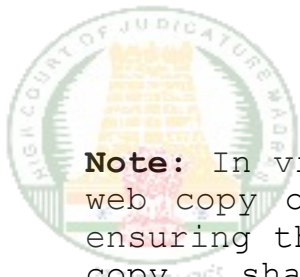
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/ /2020

Sub Assistant Registrar(CS)

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**Note:** In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Revenue Officer /  
Special District Revenue Officer,  
(Land Acquisition Section),  
No.49, National Highways,  
Ramanathapuram,  
Ramanathapuram District.

2.The Special Officer,  
(Land Acquisition),  
Unit II, Manamadurai,  
Sivagangai District.

+1 CC to M/s.C.ARUL VADIVEL@SEKAR, Advocate ( SR-10221[F] dated  
05/03/2020 )

**W.P. (MD) No.25639 of 2019**  
**18.08.2020**

**AP(27/08/2020) 3P 4C**