



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2021

CORAM

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.NO.1349 OF 2021

AND

W.M.P.NO.16268 OF 2021

Putti Thomas

... Petitioner

.Vs.

1. The Commissioner,
Land Administration Department,
Chepauk, Chennai - 600 005.
2. The District Collector,
Kancheepuram District,
Kancheepuram - 631 501.
3. The Special District Revenue Officer (LA),
Kancheepuram & Thiruvallur District,
Kancheepuram - 631 501.
4. The Special Tahsildar (LA),
Bangalore - Chennai Expressway,
Unit-III, Kancheepuram - 631 501.
5. The Project Director,
National Highways,
Bangalore - Chennai Expressway,
Unit - III, Kancheepuram District.

... Respondents

(R5 impleaded vide Order dated 25.02.2021
made in WMP.No.4774/2021 in WP.No.1349/2021)

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents herein not to disburse any payment of compensation or payment of enhanced compensation for the land acquired in Punjai S.No. 306/11B (0.30 cents), S.No. 306/8A (0.8 cents) and S.No. 22/1A (0.11cents) situated at Molasur Village, Sunguvarchatram SRO, Sriperumbudur Taluk, Kancheepuram District,



acquired for the Bangalore-Chennai Express way unit-3, Kancheepuram District and to deposit compensation award amount before the concerned appropriate Court according to the provisions of Land Acquisition Act by considering petitioner's representations dated 03.11.2020 and 31.12.2020.

For Petitioner : Mr.A.Saravanan

For RR 1 to 4 : Mr.Yogesh Kannadasan
Government Advocate

For 5th Respondent : Mr.Su.Srinivasan

ORDER

Writ Petition has been filed in the nature of Mandamus seeking prohibitory relief, prohibiting the respondents from disbursing the compensation amount payable with respect to lands acquired in S.No. 306/11B, measuring 0.30 cents, S.No.306/8A measuring 0.8 cents and S.No.22/1A measuring 0.11cents situated at Molasur Village, Sunguvarchatram SRO, Sriperumbudur Taluk, Kancheepuram District, acquired for the Bangalore-Chennai Express way unit-3, Kancheepuram District.

2. The said lands have been acquired for Bangalore-Chennai Express Unit No.3. It is represented by Mr.A.Saravanan, learned counsel for the petitioner that the compensation amount has been deposited in Court where the suit for partition is pending, namely, O.s.No. 67 of 2016 now pending before the District Court at Kancheepuram. The learned counsel also stated that a suit in O.S.No. 143 of 2014 had been originally filed seeking a declaration that the plaintiffs therein are legal heirs and questioning that particular decree and seeking a declaration that the said decree in O.S.No. 143 of 2014 is null and void, the petitioner herein has filed O.S.No.236 of 2017 before the District Munsif Court, which suit is pending.

3. It is thus seen that there is a direct conflict of interest between the petitioner and the rival claimants. In view of that fact, very sensibly the respondents appear to have taken a decision to deposit the compensation amount to the credit of O.S.No.67 of 2016 now pending on the file of the District Court at Kancheepuram. It is not clear whether the amount has actually been deposited.

4. If deposited, I am confident that the said District Court would disburse the compensation amount only in accordance with the decree to be passed in O.S.No.67 of 2016. Therefore, no



further orders are required in the Writ Petition since the Court would necessarily disburse the amount only in accordance with the Judgment and decree passed in the said suit in O.S.No.67 of 2016.

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5. If the amount had not been credited in O.S.No.67 of 2016, let the respondent not take a decision to disburse the amount but rather direct the claimants to approach the Civil Court to settle their issues and if required take a decision to deposit the amount to the credit of that particular suit, namely, O.S.No.67 of 2016.

6. With the above said observation, this Writ Petition is disposed of. No order as to costs.

7. In view of the fact that the parties have been directed to the Civil Court with respect to the claim, and Writ Petition has been disposed of, nothing survives in the Miscellaneous Petition. Hence, it is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

vsg

To

1. The Commissioner,
Land Administration Department,
Chepauk, Chennai - 600 005.
2. The District Collector,
Kancheepuram District,
Kancheepuram - 631 501.
3. The Special District Revenue Officer (LA),
Kancheepuram & Thiruvallur District,
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4. The Special Tahsildar (LA),
Bangalore - Chennai Expressway,
Unit-III, Kancheepuram - 631 501.



5. The Project Director,
National Highways,
Bangalore - Chennai Expressway,
Unit - III, Kancheepuram District.

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+1cc to Mr.A.Saravanan, Advocate, S.R.No.41381
+1cc to the Government Pleader, S.R.No.41517

W.P.NO.1349 OF 2021 AND
W.M.P.NO.16268 OF 2021

KSM(CO)
PM/20/09/2021