



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.22413 of 2021

S.V.Palanisamy

... Petitioner

-Vs-

- 1.The District Executive Magistrate /
District Collector, Coimbatore
Coimbatore District.
- 2.The Senior Deputy General Manager
Power Grid Corporation of India Ltd..
Palladam TLC Office
No.28-B-C Pollachi Road
P.Vadugapalayam Palladam
Tiruppur District.
- 3.The Revenue Divisional Officer
Coimbatore South, Coimbatore
Coimbatore District.
- 4.The Taluk Executive Magistrate/Tahsildar
Sulur Taluk, Sulur
Coimbatore District.
- 5.Mayangal

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus Directing the 2nd Respondent to disburse the compensation to the petitioner together with interest by taking note of order passed by the respondents 1 3 and 4 in his proceedings Na.Ka.No.20735/2019/ E2, dated 25.11.2019 and another Na.Ka.No.20734/ 2019/ E2 dated 25.11.2019 Na.Ka. No. 3983 / 2020/ A2 dated 05.11.2020 and Na.Ka.2535/ 2019/A2 dated 06.07.2021.



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For Petitioner : Mr.C.Prakasam
For Respondents : Mr.U.Baranidharan
Government Advocate
for R 1, R 3 and R 4

M/s.Aiyar and Dolia
for R 2

Mr.R.Chandrasekaran
for R 5

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the second respondent to disburse the compensation to the petitioner with interest pursuant to the orders passed by the official respondents through proceedings dated 25.11.2019, 05.11.2020 and 06.07.2021.

2.Heard Mr.C.Prakasam, learned Counsel for the petitioner, Mr.U.Baranidharan, learned Government Counsel for R 1, R 3, R 4, M/s.Aiyar and Dolia, learned Counsel for R 2, and Mr.R.Chandrasekaran, learned Counsel for R 5.

3.It is seen from records that the compensation has already been determined by the District Collector to the tune of Rs.86,50,542/- and the second respondent was directed to pay this compensation amount to the petitioner. In the meantime, the 5th respondent along with others filed a suit before the District Munsif Court, Sulur, Coimbatore District in O.S.No.82 of 2021, for permanent injunction restraining the respondents from disbursing the compensation amount to the petitioner. In the said suit, the Power Grid Corporation of India as well as the Revenue Officials are made as defendants apart from the petitioner.

4.This Court does not want to go into the inter se dispute between the petitioner and the 5th respondent. That does not mean that the 2nd respondent will keep the compensation amount in abeyance without paying / depositing the same. Therefore, in order to strike a balance between the parties and to ensure that the compensation amount is paid at the earliest to the concerned party, this writ petition is disposed of with the following directions:

[a] The 2nd respondent is directed to deposit the sum of Rs.86,50,542/- before the District Munsif Court, Sulur, Coimbatore District, to the account of O.S.No.82 of 2021, within a period of two weeks from the date of receipt of copy of this order.

[b] The petitioner is directed to file an appropriate



application before the District Munsif Court, Sulur, Coimbatore District, in O.S.No.82 of 2021, seeking for the withdrawal of the amount.

[c] The learned District Munsif, Sulur, Coimbatore District, shall give an opportunity to the 5th respondent to file a counter in this application and contest the application.

[d] The learned District Munsif, Sulur, Coimbatore District shall pass final orders in the application on its own merits and in accordance with law, within a period of six weeks from the date of filing of the application by the petitioner and;

[e] The compensation amount shall be disbursed in line with the final orders passed by the learned District Munsif, Sulur, Coimbatore District, in the application to be filed by the petitioner.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

KP

To

- 1.The District Executive Magistrate /
District Collector, Coimbatore
Coimbatore District.
- 2.The Senior Deputy General Manager
Power Grid Corporation of India Ltd..
Palladam TLC Office
No.28-B-C Pollachi Road
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- 3.The Revenue Divisional Officer
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- 4.The Taluk Executive Magistrate/Tahsildar
Sulur Taluk, Sulur
Coimbatore District.
- 5.The District Munsif
Sulur, Coimbatore.

+1CC to M/s.Aiyar & Dolia, Advocate, Sr.No.56054
+1CC to M/s.R.Chandrasekaran, Advocate, Sr.No.56003
+1CC to the Government Pleader, Sr.No.56177

W.P.No.22413 of 2021

PM(CO)
SB(17/11/2021)