



WEB COPY

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED : 30.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.527 of 2017

P.Chinnusamy

...Petitioner

-Vs-

1. The District Collector
Namakkal District, Namakkal.

2. The Speciah Tahsildar
National Highways, Mohanoor Road
Gandhi Nagar, Namakkal.

3. The Project Director
National Highways Authority of India
Project Implementation Unit
Door No.212-3/D3-1, Sri Nagar Colony
Narasothipatti, Salem-636 004
(R3 impleaded vide order dated
16.06.2021 made in W.P.No.527/2017)

..Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to disburse a sum of Rs.79,700/- towards compensation for the land acquired to an extent of 10 Sq.Mtrs comprised in S.No.29/7, Patta No.843 situated at Ammanthan in Komarapalayam Agraharam Village, Thiruchengode Taluk, together with interest from the date of award.

For Petitioner : Mr.M.V.Venkataseshan

For Respondents : Mr.Richardson Wilson
Government Counsel

O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the respondents to disburse a sum of Rs.79,700/- towards compensation for the land acquired to an extent of 10 Sq.Mtrs comprised in S.No.29/7, Patta No.843 situated at Ammanthan in Komarapalayam Agraharam Village, Thiruchengode Taluk, together with interest from the date of award.



2. In respect of the land to an extent of 10 Sq.mtrs comprised in S.No.29/7 in Patta No.843 situated at Ammanthan in Komarapalayam Agraharam Village, Thiruchengode Taluk, Namakkal District, it is claimed by the petitioner that the land belongs to the petitioner, which was acquired by the respondents for Highways work under the National Highways Act, 1956 and thereafter compensation was awarded to the extent of Rs.79,700/- and for said amount, cheque seems to have been issued, however no such compensation had been paid to the petitioner or realised by the petitioner. Therefore, in order to disburse the said amount of Rs.79,700/-, this writ petition has been filed with the aforesaid prayer.

3. Mr.Richardson Wilson, learned Government Counsel appearing for the respondents has relied upon the following averments in the counter affidavit filed by the third respondent, who was subsequently impleaded.

"4. I submit that, as requested by us, the concerned officials have sent the records relating to the above matter and I am filing the same with this counter affidavit. On perusal of the records, it is found that the competent Authority have sent the Notice dated 13.08.2007 under Section 3G(3) of the National Highways Act, 1956 and enquiry has been conducted on 30.08.2007. After conducting the enquiry, compensation has been fixed and the Award No.33/2007 has been passed by the competent authority and District Revenue Officer, Namakkal on 29.12.2007. But at the time of disbursement of compensation cheque in the respective village, it was found that the acquisition land belongs to following persons to the extent noted against each since they are the pattadars and the petitioner has no right over the acquisition land.

1.Annalakshmi, W/o Jaganathan -	5.0 Sq.mt.
2.Rangasamy, S/o Velappagounder -	3.5 Sq.mt.
3.Dhandapani, S/o Muthusamy -	1.5 Sq.mt.
Total	- 10.0 Sq.mt.

5. I submit that since the land which is not belonged to the petitioner herein, the compensation cheque for Rs.79,799/- already issued in favour of the petitioner was cancelled and the compensation amount of Rs.714/- to Mrs.Annalakshmi, Rs.500/- to Mr.Rangasamy and Rs.78,486/- to Mr.Dhandapani together



WEB COPY

Rs.79,700/- has been ordered to be paid and the same has been disbursed to the above said 1. Mrs. Annalakshmi and 2. Mr. Rangasamy. But, with regard to Mr. Dhandapani, he found to be missing and man missing case has already been registered in Komarapalayam Police Station. Since there is a case pending in Civil Court in O.S.No.117 of 2009 with regard to ownership issue of the acquisition property filed by the family members of Mr. Dhandapani, the compensation amount due to Mr. Dhandapani for 1.5 Sq.mt. of land including building was deposited in the Principal District Court, Namkkal u/s.3H(4) of the NH Act, 1956."

4. By relying upon these averments, the learned Government Counsel would submit that, the land in question does not belong to the petitioner and in fact it belongs to three persons viz., 1) Annalakshmi 2) Rangasamy and 3) Dhandapani, in whose favour the Award amount had been paid or earmarked. Therefore, after coming to know this factor, the cheque already prepared in the name of the petitioner for a sum of Rs.79,799/- was already cancelled. Therefore, the question of disbursing any amount as claimed by the petitioner does not arise, since the land in question does not belong to the petitioner.

5. In response to the said submission, the learned counsel for the petitioner, on instructions, would submit that, if at all the land does not belong to the petitioner, and for mistaken identity with regard to the land in question probably the petitioner was of the view that the petitioner's land has been acquired, the petitioner is not entitled to any compensation and therefore, recording the averments made by the third respondent in the counter affidavit, suitable orders can be passed in the writ petition.

6. I have considered the submissions made by the learned counsel for both sides and have perused the materials placed on record.

7. In view of the stand taken by the third respondent, where they have categorically stated that, the land does not belong to the petitioner and it belongs to three individuals, the question of paying any compensation to the petitioner, for the land acquired for Highways purpose by the respondents does not arise.



8. In that view of the matter, the prayer sought for in the writ petition cannot be granted. Hence, the writ petition fails and accordingly it is dismissed. No costs.

WEB COPY

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

KST

To

- 1.The District Collector
Namakkal District, Namakkal.
- 2.The Speciah Tahsildar
National Highways, Mohanoor Road
Gandhi Nagar, Namakkal.
- 3.The Project Director
National Highways Authority of India
Project Implementation Unit
Door No.212-3/D3-1, Sri Nagar Colony
Narasothipatti, Salem-636 004

+2CCs to Mr.M.V.Venkataseshan, Advocate, Sr.Nos.37146, 36832
+1CC to M/s.P.Wilson Associates, Sr.No.37321
+1CC to Government Pleader, Sr.No.37390

W.P.No.527 of 2017

NK (CO)
K.RK. (21.09.2021)