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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2021

CORAM

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.7547 OF 2017

Rajalekshmi,
W/o. Late. Gurusamy Reddiyar

... Petitioner

Vs

- 1.The Competent Authority
& Spl. Revenue Officer (LA),
National Highways Schemes-II,
Thiruvannamalai Districts.
- 2.The Special Thasildar,
National Highways Schemes-II,
Thiruvannamalai Districts.
- 3.The District Revenue Officer,
Office of the District Revenue Office,
Villupuram District.
- 4.The Thasildhar,
Office of the Thasildhar,
Thirukoviloor,
Villupuram District.
- 5.Rajaeswari,
W/o. Ramalingam.

... Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus, calling for the records in connection with the order dated 07-01-2017 passed by the first respondent herein in na.ka.no.582/14/R4/(LARR) SH-09 and quash the same as illegal and improper and direct the 1st respondent to issue the land acquisition compensation in connection with survey no. 64/2B in new survey no. 64/2B1 for an extent of 0.0086 hector to the petitioner.



For Petitioner : M/S.S.Kingston Jerold
For Respondents : Mr.M.R.Gokul Krishnan
Government Advocate.

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ORDER

This Writ Petition has been filed to issue a writ of Certiorarified Mandamus, calling for the records in connection with the order dated 07-01-2017 passed by the first respondent herein in na.ka.no.582/14/R4/(LARR) SH-09 and quash the same as illegal and improper and direct the 1st respondent to issue the land acquisition compensation in connection with survey no. 64/2B in new survey no. 64/2B1 for an extent of 0.0086 hector to the petitioner.

2. The petitioner claims to be the wife of late Gurusamy. According to the petitioner, she is the only legal heir and he also executed a Will in her favour in respect of the subject property. In fact, the subject property comprised in survey No.64/2B and it was also transferred in her name through an arrangement registered as a document No.1685 of 1981. It was executed by her mother-in-law. The fourth respondent cancelled the patta granted in her favour and ordered to issue patta in favour of the fifth respondent herein. It was under challenge before this Court in W.P.No.32055 of 2016.

3. However, the said property comprised in survey No.64/B to an extent of 0.0086 sq.meter was acquired by the first and second respondent for the purpose of road extension. Thereafter, an award enquiry was conducted and award has been passed. Accordingly, the compensation amount was paid to the fifth respondent herein. The petitioner made a request to the third respondent for disbursement of compensation in her favour. By an order dated 07.01.2017, the impugned order was passed, stating that already the compensation amount was paid to the fifth respondent herein in respect of the acquisition of land comprised in survey No.64/B to an extent of 0.0086 sq.meters.

4. The learned counsel for the petitioner also submitted that the petitioner already filed a suit in O.S.No.171 of 2014 for declaring her as legal heir of the deceased Gurusamy and it is pending on the file of the District Munsif Court, Tirukoiloor. Therefore, the third respondent rightly rejected the representation of the petitioner, since the compensation amount was already disbursed to the fifth respondent herein.

5. In view of the above, this Court finds no infirmity or illegality in the order passed by the third respondent. Therefore, the Writ Petition is devoid of merits. However, if



the petitioner succeeds in the suit in O.S.No.171 of 2014 on the file of the District Munsif Court, Tirukoiloor, the petitioner is at liberty to take appropriate steps as against the fifth respondent in the manner known to law.

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6. With the above observation, the Writ Petition is dismissed. No cost.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

Lpp

To

- 1.The Competent Authority
& Spl. Revenue Officer (LA),
National Highways Schemes-II,
Thiruvannamalai Districts.
- 2.The Special Thasildar,
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- 3.The District Revenue Officer,
Office of the District Revenue Office,
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- 4.The Thasildhar,
Office of the Thasildhar,
Thirukoviloor,
Villupuram District.
- 5.The District Munsif,
Thirukoviloor.

+1cc to the Government Pleader, S.R.No.42701

W.P.No.7547 of 2017

AK-II(CO)
PM/22/09/2021