



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.02.2021

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THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.(MD) No.1691 of 2021

and

W.M.P.(MD) No.1430 of 2021

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1.A.Chinnalagan ... Petitioner

- Vs. -

1. The District Collector, Dindigul District,
Dindigul.

2. The Authorized Officer/Special District Revenue Officer,
Land Acquisition- National Highways,
Dindigul District, Dindigul.

3. The Tahsildar, Natham Taluk, Dindigul District,
Dindigul.

4. M.C.Alagan Ambalam ... Respondents

Prayer in WP(MD). 1691/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 2nd respondent to consider the petitioner's objection dt 25.09.2019 and thereby refer dispute to the competent Civil Court as per Section 3-H(4) of National Highways Act, 1956.

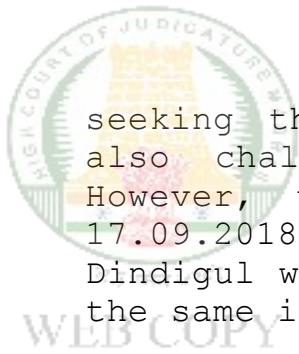
For Petitioner : Mr.D.Sadiq Raja

For Respondents : Mr.K.P.Krishnadoss,
Special Government Pleader
for R1 to R3

ORDER

The case of the petitioner is that his father, one, M.Adaikan, had executed a registered settlement deed, dated 08.12.2009 in respect of the property comprised in R.S.No.44/10 measuring an extent of 43½ cents situated at Velampatti Village, Dindigul District. Since the settlement deed came into effect, the petitioner is in peaceful possession and enjoyment of the subject property without any interference whatsoever from any quarter.

2.While so, based on the sale deed, dated 26.07.2004, the 4th respondent and third parties have attempted to interfere with the peaceful possession and enjoyment of the subject property. Therefore, the petitioner filed a suit in O.S.No.8 of 2011 on the file of the District Munsif cum Judicial Magistrate Court, Natham



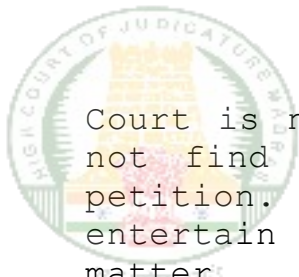
seeking the relief of declaration and permanent injunction and also challenging the so called sale deed dated 26.07.2004. However, the said suit was dismissed by the trial Court on 17.09.2018 and an appeal was filed before the Principal Sub Court, Dindigul with a condone delay application in I.A.No.14 of 2019 and the same is pending as on date before the appellate Court.

3.In the meanwhile, the petitioner came to know that the 2nd respondent vide notification dated 22.10.2018 had acquired lots of land including the subject property in terms of Section 3-A (1) of the National Highways Act, 1956. The 2nd respondent subsequently issued a notification, dated 23.01.2019 towards determination of compensation under Section 3-G (3) of National Highways Act, 1956. The petitioner found that the 4th respondent's name was included in the notification as if he was the owner of the subject property.

4.In the said circumstances, the petitioner appears to have made an objection before the 2nd respondent on 25.09.2019. According to the petitioner, any dispute arises in regard to the entitlement of receiving the compensation, the 2nd respondent is under obligation to refer the dispute to the Principal Civil Court and the petitioner claims that such request being not considered by the 2nd respondent, the petitioner is before this Court.

5.From the above factual narrative, it could be seen that the petitioner has already approached the competent authority namely, acquisition authority, putting forth his objection by his representation, dated 25.09.2019. However, the said representation appears to have been submitted without following proper procedure under the provisions of the National Highways Act, 1956. The petitioner has not filed any acknowledgment of receipt of such representation, by him. In the affidavit, it is mentioned by the petitioner that the representation was made in person. Though the said representation said to have been made is more than a year, nothing has happened as on date as to the status of disbursement of compensation in regard to the subject property.

6.The petitioner has also not chosen to come forward to give any specific details as to what happened after the representation was made and whether the petitioner has submitted any remainders to the 2nd respondent. In a dispute of this nature, in case, the petitioner apprehends any violation of his rights to claim compensation behind his back by any State authority, it is open to the petitioner to obtain necessary effective directions from the pending civil case in order to safeguard and protect his interest till the title issue is resolved one way or other. Without resorting to the proper course of action, seeking mere issuance of Writ of Mandamus on the basis of bald averments, it is not open to the petitioner to seek direction from this Court. This



Court is not inclined to entertain the writ petition, as it does not find any specific cause of action, projected in the writ petition. This Court does not also find any worthy materials to entertain the writ petition to issue any direction on the subject matter.

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7. For the above stated reasons, this Court finds that the writ petition is misconceived and therefore, the same is dismissed as being devoid of merits and substance. No costs.

Sd/-

Assistant Registrar (AS)

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/ /2021

Sub Assistant Registrar (CS)

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To

1. The District Collector, Dindigul District,
Dindigul.
2. The Authorized Officer/Special District Revenue Officer,
Land Acquisition- National Highways,
Dindigul District, Dindigul.
3. The Tahsildar, Natham Taluk, Dindigul District,
Dindigul.

+1 CC to SGP (SR-3319[F] dated 04/02/2021)

+1 CC to Mr.D.SADIQ RAJA, Advocate (SR-3422[F] dated 05/02/2021)

W.P. (MD) No.1691 of 2021

03.02.2021

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