



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) No.18294 of 2021

and

W.M.P. (MD) No.15123 of 2021

S.Sebastian

... Petitioner

vs.

Special Deputy Collector,
Land Acquisition, National Highways,
Pudukottai.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent herein or any other competent authority to refer the dispute under sub-Section(4) of Section 3-H of the National Highways Act, 1956 to the Principal Civil Court of Original jurisdiction within the limits of whose jurisdiction the lands subject matter of acquisition is situated viz: the Principal District Judge, Sivagangai or any other Courts of Competent jurisdiction within the Sivagangai District, for deciding as to who is entitled to get the compensation amount as determined by the respondent with respect to the lands situated in S.No.105/2, Managiri-Sukkanendal Village, Karaikudi Taluk, Sivagangai District, pursuant to the Award No.26/2013-2014, Na.Ka.No.12/2013, dated 30.12.2013 and within such time as may be prescribed by this Court.

For Petitioner : Mr.SI.Muthiah

For Respondent : Mr.S.Shanmugavel
Additional Government Pleader

O R D E R

The writ petition has been filed in the nature of Writ of Mandamus to refer a dispute, which had arisen under Section 3-H(4) of the National Highways Act, 1956 to the Principal Civil Court having jurisdiction within the limits, wherein the lands have been acquired in Sivagangai District.

2.In the affidavit filed in support of the writ petition, it had been stated that by an order dated 18.03.1997, the lands to an extent of 0.57.5 ares in S.No.105/2C in Managiri-Sukkanenthall



Village, Karaikudi Taluk in Sivagangai District, had been transferred by the Zonal Deputy Tahsildar, Karaikudi. That order was set aside by the Revenue Divisional Officer, Devakottai by an order dated 18.03.1997. Finally, the Special Commissioner and Commissioner of Land Administration, Chepauk, Chennai-5, had set aside the order of the District Revenue Officer, Sivagangai and directed the authority to conduct a fresh enquiry.

3.It is, thus, seen there is a substantial dispute among the parties who are claiming right, title and interest over the said lands. Thereafter, the lands had been divided, sub divided and then layouts have also been laid. At this time, the lands had also been acquired by the National Highways Department for formation of Thanjavur-Manamadurai Division, NH-210, including a portion of the lands in S.No.105/2. But the subject matter of the lands before the revenue authorities was S.No.105/2C. The compensation was also determined. The writ petition has been filed to deposit that compensation in the civil Court, so that the parties concerned may approach the civil Court to resolve the dispute and get the amounts deposited apportioned among themselves.

4.Mr.S.Shanmugavel, learned Additional Government Pleader, who appears on behalf of the respondents, states that prior to referring the matter before the civil Court, the competent authority has an obligation, under Section 3-H(3) of the National Highways Act, 1956 to first determine the status of the persons, who are entitled for a division of amount and if those individuals do not raise a dispute and agreed to a particular formula for receipt of the amount or a division of amounts, then the competent authority can disburse the amounts without referring it to civil Court. That exercise will have to be primarily done first and thereafter, if a dispute is raised, then the matter will be referred to the civil Court.

5.A direction is given to the respondent/competent authority to examine the persons to whom the amount is to be paid by issuing notice and in this connection, the order of the District Revenue Officer, dated 27.09.2021 has been shown to me, wherein, the list of persons, who have raised the dispute, have been given in the said order and if again the said individuals do not have any dispute with respect to the nature of apportionment of the amount, the matter can end then. If a dispute is raised, the matter will have to be referred to the civil Court and the parties will have to get the issues resolved only before the civil Court. The respondent/Competent authority may decide the issue within a period of twenty weeks from the date of receipt of a copy of this order, after issuing notice to all concerned. If the respondent takes a decision to refer the matter to the civil Court, such decision should also be done and implemented within the said period of twenty weeks.



6. With the above observations, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

WEB COPY

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sjj

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

Special Deputy Collector,
Land Acquisition, National Highways,
Pudukottai.

+1 CC to M/s.SPL GP (SR-37590[F] dated 07/12/2021)

+1 CC to M/s.D.KRISHNA PRADEEP, Advocate (SR-37701[F] dated 07/12/2021)

W.P. (MD) No.18294 of 2021
and

W.M.P. (MD) No.15123 of 2021
06.12.2021

SS (CO)

KB(22.12.2021) 3P 4C