



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.10.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.18010 of 2021

WEB COPY

P.Thangavel

... Petitioner

Vs.

1.The District Collector,
Dindigul District, Dindigul.

2.The National Highways Authority of India,
Represented by its Regional Officer,
2nd and 3rd Floor,
Vijay Krishna Plaza,
No.1, Lake Area, Melur Main Road,
Mattuthavani, Madurai - 625 007.

3.The Competent Authority and Special District Revenue Officer,
Land Acquisition-National Highways NH 209),
Dindigul, Dindigul District.

4.The Special Tahsildar (Land Acquisition),
National Highways NH-209,
Ottanchatram Unit - II,
Dindigul District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, by directing the respondents to disburse the award amount to the petitioner for his land in Survey Nos.87/1A, 88/1A1 and 88/1A2 in an extent of 1.5 Acres situated at Periyakarattupatti, Reddiyapatti Panchayat, Ottanchathiram Taluk, Dindigul District by considering the petitioner's representation dated 17.08.2021 within the time frame stipulated by this Hon'ble Court.

For Petitioner : Mr.T.Thirumurugan

For R-1, R-3

and R-4

: Mr.K.S.Selva Ganesan
Counsel for State

For R-2

: Mr.Arul Vadivel @ Sekar
Standing Counsel

ORDER

The petitioner seeks a direction to the respondents to disburse his share of the award amount in respect of land bearing



Survey Nos.87/1A, 88/1A1 and 88/1A2 of an extent of 1.5 Acres at Periyakarattupatti, Reddiyapatti Panchayat, Ottanchathiram Taluk, Dindigul District.

2. The petitioner states that the above mentioned land is jointly owned by his brother, Chinnasamy, and himself. The joint patta issued in respect of the said property is cited in support of such submission. The petitioner states that the above mentioned properties were acquired for a National Highways Project. The compensation in respect thereof was fixed. The petitioner claims a 50% share in such compensation. However, it appears that there is a dispute between the petitioner and the legal heirs of his brother, Chinnasamy. Therefore, the petitioner has not received compensation. After submitting a representation dated 17.08.2021, the present Writ Petition is filed.

3. Mr.K.S.Selva Ganesan, learned counsel for the State, accepts notice on behalf of respondents 1, 3 and 4 and Mr.Arul Vadivel @ Sekar, learned Standing Counsel, accepts notice on behalf of the second respondent. It is submitted on behalf of the second respondent that in case of a dispute with regard to apportionment of compensation, the person aggrieved should approach the jurisdictional civil court in terms of Section 3-H(4) of the National Highways Act, 1956. Therefore, he points out that the compensation would be paid if the parties concerned reach a settlement among themselves or pursuant to a judgment and decree of a competent civil court as prescribed in Section 3-H(4).

4. In light of the aforesaid statutory prescription, no purpose would be served by issuing a Mandamus as prayed for by the petitioner. Instead, it is open to the petitioner to avail of the statutory remedy so as to claim his portion of the compensation. In this regard, it is pertinent to note that the compensation amount has been deposited by the beneficiary with the competent authority.

5. Accordingly, W.P.(MD).No.18010 of 2021 is disposed of by leaving it open to the petitioner to avail of his statutory remedy under Section 3-H(4) of the National Highways Act, 1956. There will be no order as to costs.

Sd/-

Assistant Registrar (Records)

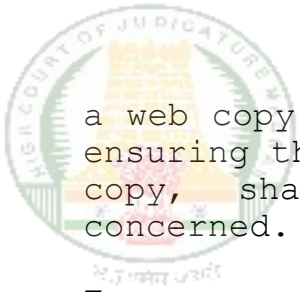
// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg/nsr

Note : In view of the present lock down owing to COVID-19 pandemic,
<https://hcservices.ecourts.gov.in/hcservices/>



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

WEB COPY

- 1.The District Collector,
Dindigul District,
Dindigul.
 - 2.The Regional Officer,
National Highways Authority of India,
2nd and 3rd Floor,
Vijay Krishna Plaza,
No.1, Lake Area, Melur Main Road,
Mattuthavani,
Madurai - 625 007.
 - 3.The Competent Authority and Special District Revenue Officer,
Land Acquisition-National Highways NH 209),
Dindigul,
Dindigul District.
 - 4.The Special Tahsildar (Land Acquisition),
National Highways NH-209,
Ottanchatram Unit - II,
Dindigul District.
- +1 CC to M/s.T.THIRUMURUGAN, Advocate (SR-31383[F] dated 06/10/2021)
+1 CC to M/s.SPL.GP (SR-31547[F] dated 07/10/2021)

W.P (MD) No.18010 of 2021
06.10.2021

RD(20.10.2021) 3P 7C