



WEB COPY



WP.No.13027 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2022

CORAM

THE HONOURABLE Mr. JUSTICE M.DHANDAPANI

WP.No.13027 of 2016

1 P.Rajagopal Reddy

2 Dr.L.Rajasekar

...

Petitioners

Vs

1 The District Collector,
Kancheepuram District, Kancheepuram.

2 The Revenue Divisional Officer,
Maduranthakam Revenue Division,
Maduranthakam, Kancheepuram District.

3 The Tahsildar,
Cheyyur Taluk Office,
Cheyyur, Kancheepuram District.

4 The Special Tahsildar (L.A),
O/o. The Cheyyur Taluk Office, Cheyyur,
Kancheepuram District.

5 V.Subramani

... 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 of the 2nd respondent in his impugned proceedings Na.Ka. 646/2014/A



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dated 29.02.2016 and quash the same as arbitrary illegal and without jurisdiction and consequently direct the respondents 1 to 3 disburse or pay the compensation amount to the 1st Petitioner payable for the land comprised in Survey No. 135/2 measuring an extent of 0.60.5 hectare (i.e) 1.50 acres situated at Pavunjur Village, Cheyyur Taluk, Kancheepuram District acquired for the purpose of formation of Maduranthakam High Level Chennai.

For Petitioner : Mr. R.Munuswamy

For Respondents : Mr. V.Manoharan, AGP RR1 to 4

ORDER

Heard the learned counsel for the petitioner as well as the learned Additional Government Pleader appearing on behalf of the respondents and perused the materials available on records. Since no adverse orders are passed against the private respondent and hence, his presence is dispensed with.

2. The case of the petitioners is that the land in S.No.135(part) measuring an extent of Acres 19.60 cents out of the total extent of 31.60 acres situated at Pavunjur Village, Cheyyur Taluk, Kancheepuram District belonged to one Krishnaswamy Reddy. While so, the said Krishnaswamy



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Reddy sold the aforesaid property along with certain other properties to one Narayana Reddy for valid consideration under a sale deed dated 24.12.1959. During the year 2004, the said Narayana Reddy died and therefore, the petitioners, who are the legal heirs of the said Naraya Reddy, become owners of the above said property. Such being the position, the respondents have acquired the petitioners' land for establishment of upper channel, for which, an award was passed. However, there was a title dispute in respect of the land in S.No.135/2 between the petitioners and one Subramani. Therefore, the respondents vide proceedings dated 29.02.2016, have deposited the entire compensation amount on the file of the Sub Court, Madurantagam. Challenging the said proceeding, the petitioners have filed the present writ petition.

3. The learned counsel for the petitioners submitted that the suit is pending with regard to subject property between the petitioners and the 5th respondent and the revenue officials have deposited the before the civil Court, where the suit is pending. This Court may grant liberty to the petitioners to file an appropriate application before the Civil Court for



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withdrawal of the compensation amount.

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4. Considering the facts and circumstances of the case and the limited relief sought for by the petitioners, this Court permits them to file an appropriate petition/application before the Civil Court, where the suit pending for getting appropriate remedy. Upon receipt of such petition, the learned Judge shall consider the same and pass appropriate orders on merits and in accordance with law as expeditiously as possible.

5. With the aforesaid direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

15.09.2022

Rli

Index: Yes/No

Internet: Yes/No

Speaking/Non speaking

M.DHANDAPANI, J.

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Rli

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