

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.NO.5794 OF 2022 AND
W.M.P.NO.5878 OF 2022

1.Padmini

2.Lalithakala

3.B.Dinesh Babu

...Petitioners

vs.

1.The Competent Authority and
Special District Revenue Officer (L.A.)
N-H, 47, 67 and 209,
Coimbatore - 641 016.

2.M/s. Beardsell Ltd., Incorporated
under the Companies Act, 1956,
Rep. by its Senior Manager - Accounts
Mr.G.Dhanajayan

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st respondent to give opportunity to hear petitioner along with 2nd respondent in connection with the claim of compensation in respect of S.F.No.482/1A3B, S.F.No.482/1B2 part and S.F.No.482/1A3B in Seerapalayam Village, Madukarai Taluk, Coimbatore District.

For Petitioner : Mr.B.Nedunchezhiyan

For Respondents : Mr.P.Sathish
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus to direct the 1st respondent to give an opportunity of hearing to the petitioners and 2nd respondent in connection with the claim of compensation in respect of S.F.No.482/1A3B, S.F.No.482/1B2 part and S.F.No.482/1A3B in Seerapalayam Village, Madukarai Taluk, Coimbatore District.

2. Since no adverse order is being passed against the private respondent, notice to the private respondent is dispensed with.

3. The case of the petitioners is that the petitioners acquired the property from their father Late.P.M.Balakrishnan in S.F.No.482 situated at above said Village. While that being so, the 2nd respondent firm, which does not have any right over the above said property, was trying to encroach the same. Thereafter, the petitioners filed a suit in O.S.No.982 of 2014 before the District Munsif Court, Coimbatore, for declaration, that the petitioners are the owners of the said property and the 2nd respondent, in turn, filed a suit in O.S.No.1320 of 2014 before the very same Court, to grant permanent injunction restraining the petitioners from entering upon the said property and both the suits are pending. While that being so, the 1st respondent has acquired the land in above said survey number for the purpose of laying road. In order to claim the compensation, the 2nd respondent, with a malafide intention, filed a Writ Petition before this Court in W.P.No.4015 of 2021 dated 02.03.2021 and this Court issued direction to the 1st respondent to hear the 2nd respondent herein before effecting compensation. Thereafter, the petitioners sent a letter to the Special Tahsildar, Coimbatore, dated 22.12.2021 to withheld the payment of compensation. Since the pendency of the above said suits is with regard to the ownership and boundaries, the petitioner has come up with the aforesaid relief.

4. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the 1st respondent to consider the petitioners representation dated 22.12.2021 and pass orders on merits within a particular time frame that may be fixed by this Court.

5. The learned Additional Government Pleader for respondents has no objection for said order being passed.

6. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

7. The fact remains that the disputed land was acquired for formation of Highways for which there was a property dispute between the petitioner and the 2nd respondent and the suits filed by them in O.S.No.982 of 2014 and O.S.No.1320 of 2014, respectively, on the file of District Munsif Court, Coimbatore, are pending.

8. In view of the aforesaid circumstances, the 1st respondent is directed to pass orders on the representation of the petitioners dated 22.12.2021 in terms of Section 3H(4) of the National Highways Act, 1956 and dispose of the same on merits and in accordance with law after affording an opportunity of hearing to the petitioners as well as to the 2nd respondent herein within a period of 12 weeks from the date of receipt of a copy of this order.

9. This writ petition is accordingly disposed of. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VII)

// True Copy //

Sub Assistant Registrar

rap/sk

To:

The Competent Authority and
Special District Revenue Officer (L.A.)
N-H, 47, 67 and 209,
Coimbatore - 641 016.

+1cc to Mr.B.Nedunchezhiyan, Advocate Sr.No.17703

+1cc to the Government Pleader Sr.No.17823

W.P.No.5794 of 2022

MT(CO)
RVM(11/04/2022)