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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.04.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.6875 of 2022

V.Govindaraj

... Petitioner

Vs.

1. The District Collector,
Office of the District Collectorate,
Krishnagiri District.
2. The Competent Authority Cum DRO,
National Highway No.844,
Krishnagiri.
3. The Special Tahsildar,
National Highway No.844,
Krishnagiri.

4.V.Ayyappan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to enhance and release compensation in respect of the acquired land admeasuring 2,574 Sq.Mtrs in S.No.107/8B (Old S.No.107/8) in Odayandhahali Village, Denkanikottai Taluk, Krishnagiri District, within a stipulated period of time.

For Petitioner : Mr.J.Ramesh

For Respondents : Mr.V.Veluchamy
Additional Government Pleader

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to enhance and release compensation in respect of the acquired land admeasuring 2,574 Sq.Mtrs in S.No.107/8B (Old S.No.107/8) in Odayandhahali Village, Denkanikottai Taluk, Krishnagiri District, within a stipulated period of time.

2. The learned Additional Government Pleader takes notice



for the official respondents. In view of the limited relief sought for in this petition and on the consent of the learned counsel appearing on either side, this petition is taken up for final disposal.

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3. Since no adverse order is passed as against the 4th respondent, notice to the 4th respondent is dispensed with.

4. The case of the petitioner is that the disputed land was acquired by the National Highways Authority, for the purpose of National Highways. However, there was a dispute between the petitioner and the 4th respondent with regard to the deposit of compensation. On earlier occasion, the 4th respondent has filed a suit in O.S.No.130 of 2010, for declaration of Settlement Deeds as null and void, which was issued in favour of the other legal heirs namely defendants 2 to 5 therein. However, the said compensation amount was not deposited in favour of the petitioner. Hence, this writ petition is filed with the above said prayer.

5. Learned Counsel for the petitioner submitted that it would suffice if this Court issue direction to the respondents to enhance and release compensation in favour of the petitioner.

6. The learned Additional Government Pleader appearing on behalf of the official respondents submitted that already the 4th respondent has filed a suit in O.S.No.130 of 2010, hence, this Court may direct the matter to the competent Civil Court.

7. This Court, without going into the merits of the case, directs the 2nd respondent to refer the matter to the competent Civil Court in terms of Section 3H(4) of the Land Acquisition Act, within a period of twelve weeks from the date of receipt of a copy of this order. However, liberty is granted to the petitioner and the 4th respondent to work out their remedy in the reference Court.

8. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

Psa



To

1. The District Collector,
Office of the District Collectorate,
Krishnagiri District.

2. The Competent Authority Cum DRO,
National Highway No.844,
Krishnagiri.

3. The Special Tahsildar,
National Highway No.844,
Krishnagiri.

+1cc to Mr.J.Ramesh, Advocate, S.R.No.25360

+1cc to Mr.C.Prabakaran*, Advocate, S.R.No.24505

+1cc to the Government Pleader, S.R.No.25094

W.P. No.6875 of 2022

SRA (CO)
CT 26/04/2022