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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2022

CORAM:

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. No.10890 of 2022
and
W.M.P. No.10511 of 2022

R. Singaravelan

.... Petitioner

Versus

1. The Special District Revenue Officer,
(LA-Competent Authority),
National Highways 45-A,
Cuddalore - 607 001.

2. The Special Tahsildar,
(Land Acquisition)
National Highways - 45-A,
Unit I,
64, Seetharam Nagar 3rd Cross,
Pudupalayam,
Cuddalore - 607 001.

3. Kullupai Ramasamy Chettiar
Dharma Paribalana Sabai
Rep. By its Trustee,
Pudhchatiram,
Bhuvanagiri Taluk,
Cuddalore District.

4. S. Arumugam
5. A. Saranraj

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus, directing the respondents 1 and 2 to pay just compensation to the petitioner for the structures put up by him in and over an extent of 76.49 sq. meters to the extent to be acquired in R.S. No.30/12, Villiyanallur Village, Bhuvanagiri Taluk, Cuddalore District by considering his representation dated 13.01.2022.

For Petitioner : Mr.N. Manokaran
For Respondents : Mr.R. Vigneswaran, G.A.



ORDER

This writ petition has been filed seeking for a direction to the respondents 1 and 2 to pay just compensation to the petitioner for the structures put up by him in and over an extent of 76.49 sq. meters to the extent to be acquired in R.S. No.30/12, Villiyanallur Village, Bhuvanagiri Taluk, Cuddalore District by considering his representation dated 13.01.2022.

2. It is the case of the petitioner that the petitioner, his mother and his sister are in joint possession of the disputed property, which was owned by the 3rd respondent, who has permitted the petitioner to occupy the frontage of the said land. But on the other hand, it is claimed that the 4th respondent has purchased the disputed property, which originally belonged to Kuluppai Ramasamy Chettiar, who had formed a Trust under a Will dated 27.12.1900. While so, the respondents 1 and 2 initiated acquisition proceedings to acquire certain properties pertaining to the petitioner for widening NH 45-A road under the National Highways Act. It is averred that the 1st respondent passed an Award by directing to pay the compensation for the structure to petitioner's bank account and the compensation for the land to the 3rd respondent and thereby issued notice under Section 3(G) (3) of the Act. In the interregnum, the 4th respondent filed writ petition before this Court with a prayer to refer the matter before the authorities concerned for deciding the title and payment of compensation in respect of the disputed property and this Court vide its order dated 22.04.2021 issued appropriate directions to the 1st respondent therein to consider the objections of the parties and pass award on merits, within a stipulated time period. It is averred that owing to hindrances caused by the 4th respondent, the 1st and 2nd respondents have not disbursed the compensation amount due to the petitioner, till date and further the respondents 1 & 2 have demolished certain portion of the structure of the petitioner's property. Hence, the petitioner has approached this Court by invoking the extraordinary jurisdiction under Article 226 of the Constitution of India with the aforesaid prayer.

3. The learned counsel appearing for the petitioner submitted that the dispute is with regard to the ownership of the superstructure. Further, he submits that the respondents 4 and 5 who are previous owners have no claim over the disputed property and they are causing troubles to the 1st and 2nd respondents from disbursing the Award amount to the petitioner. Hence, he prays for issuance of appropriate orders to the respondents 1 & 2 to conclude the enquiry and to pass orders in accordance with law to give quietus to the issue.



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4. Replying to the contention raised by the learned counsel for the petitioner, learned Government Advocate appearing for the official respondents, on instructions submitted that the petitioner will not be evicted from the disputed property without following due process of law and he has no objection for issuance of appropriate direction to conclude the enquiry.

5. In view of the fair stand taken by the learned Government Advocate, this writ petition is disposed of directing the respondents 1 and 2 to conclude the enquiry, after providing opportunity of hearing to the aggrieved parties and pass Award to the eligible persons, within a period of twelve weeks from the date of receipt of a copy of this order. It is further made clear that as undertaken by the learned Government Advocate, the petitioner shall not be evicted without following the due process of law.

6. With the aforesaid directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

vsi2

To

1. The Special District Revenue Officer,
(LA-Competent Authority),
National Highways 45-A,
Cuddalore - 607 001.

2. The Special Tahsildar,
(Land Acquisition)
National Highways - 45-A,
Unit I,
64, Seetharam Nagar 3rd Cross,
Pudupalayam, Cuddalore - 607 001.

+1cc to Mr.N. Manokaran, Advocate SR.No.29255
+1cc to Government Pleader SR.No.30465

W.P. No.10890 of 2022

GSM(CO)
GMY(30/05/2022)