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W.P.No.19410 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.19410 of 2022

Santhi alias Santhi Anbalagan

... Petitioner

Vs.

1.The Special District Revenue Officer (LA),
National Highways, Kanchipuram and Thiruvallur Districts,
(Mamallapuram-Puducherry Corridor, NH-332A),
No.16, Varadharajan Street,
Vedhachala Nagar, Chengalpattu – 603 001.

2.Y.Jagadeesa Thilagan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to release the compensation declared for the acquisition of petitioner's land measuring an extent of 0.23 acres (0.09.5 ares) in Paramankeni Village, Cheyyur Taluk, Chenglepet District vide notification No.S.O.761(E), dated 05.02.2019.

For Petitioner	: Mr.K.G.Vasudevan
For R1	: Mr.P.Sathish
	Additional Government Pleader
For R2	: Mr.K.Sakthivel



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ORDER

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This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the first respondent to release the compensation declared for the acquisition of petitioner's land measuring an extent of 0.23 acres (0.09.5 ares) in Paramankeni Village, Cheyyur Taluk, Chenglepet District vide notification No.S.O.761(E), dated 05.02.2019.

2. The case of the petitioner is that the petitioner is the owner of the property in Survey No.287/5B, measuring an extent of 0.23 acres (0.09.5 ares) in Paramankeni Village, Cheyyur Taluk, Chenglepet District. The aforesaid land is sought to be acquired in the year 2019 by the first respondent under Section 3D of National Highways Act for the purpose of the road widening. The petitioner had executed a power of attorney dated 24.11.2021 in favour of second respondent to maintain the aforesaid property and to pursue all proceedings. However, the second respondent attempted to take away the entire compensation for the aforesaid property by misusing the above said power of attorney, and therefore, the petitioner cancelled the power of attorney on 20.12.2021. Pursuant to which, the second respondent filed a Writ Petition before this Court in W.P.No.2176 of 2022, seeking to direct the first respondent to pay the compensation payable for the



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acquisition of the aforesaid property and this Court, by order dated 25.02.2022, disposed of the said Writ Petition, with a direction to the petitioner to work out his remedy in the manner known to law. Aggrieved by the same, the second respondent filed a Suit in O.S.No.2529 of 2022 on the file of II Additional City Civil Court, Chennai, for declaration that he is entitled to receive the compensation awarded for acquisition of the aforesaid property by the Government, and the same is pending. Further, the first respondent had issued a notice dated 15.03.2022 to the petitioner and the second respondent for an enquiry as regards the payment of compensation. However, the first respondent has not released the compensation amount, and therefore, the petitioner filed the present Writ Petition, seeking for a direction to the first respondent to release the compensation amount.

3. The learned counsel for the petitioner would submit that it would suffice, if this Court permits the petitioner to file appropriate application before the trial Court, and if such interim application is filed, the trial Court may be directed to entertain the said application and pass appropriate orders in accordance with law, without being influenced by any of the order passed by this Court. Further, he submitted that, this Court may issue direction to the first respondent to disburse the compensation amount in



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the Nationalised Bank in the interest bearing deposit scheme, till the appropriate orders are passed by the Civil Court.

4. Heard the learned counsel for the petitioner as well as the learned Additional Government Pleader appearing for the first respondent and the learned counsel appearing for the second respondent and perused the materials available on record.

5. Admittedly, the order dated 25.02.2022 passed by this Court in W.P.No.2176 of 2022, the second respondent filed a Suit in O.S.No.2529 of 2022 on the file of the II Additional City Civil Court, Chennai, and the same is pending, pursuant to that, the petitioner claims that he is the owner of the property and it is alleged that the right is conveyed to the second respondent to receive the compensation amount. However, the present issue will be decided only by the Competent Civil Court, and if the petitioner is the owner of the property, she is entitled to file appropriate application before the Competent Civil Court. In view of the above, liberty is granted to the petitioner to file appropriate application before the trial Court, and if such an application is filed, the trial Court is directed to decide the issue, without being influenced by any of the observations made by this Court and pass



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appropriate orders on merits and in accordance with law. Further, the first respondent is directed to deposit the compensation amount in O.S.No.2529 of 2022 on the file of II Additional City Civil Court, Chennai within a period of four weeks from the date of receipt of a copy of this order. The learned trial judge is directed to deposit the entire compensation amount in an interest bearing fixed deposit account to the credit of the O.S.No.2529 of 2022, till the disposal of the Suit.

6. With the above observations and direction, this Writ Petition is disposed of, granting liberty to the petitioner as well as the second respondent to file appropriate application before the District Collector for enhancement of compensation. No Costs.

12.08.2022

Index : Yes / No
Speaking order: Yes/ No
jd

To

The Special District Revenue Officer (LA),
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M.DHANDAPANI, J.

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