



W.P.No.24316 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2022

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.24316 of 2022

Arumugam @ Vadivel

...Petitioner

Vs.

1. The Special District Revenue Officer,
Land Acquisition,
Bangalore-Chennai National Highways Project,
Vellore District-9.
2. The District Treasury Officer,
District Treasury Office,
District Collector Building,
Block-B, First Floor, Sathuvachery,
Vellore District-9.
3. The Assistant Treasury Officer,
Taluk Office Complex, Arakonam,
Ranipet District-631 002.
4. Chinnappa Reddy

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the 1st respondent vide order No.The.Ne.Ni.A/Be.Che.Vi/C.Ma.Va.Aa.Aa2/85-2022, dated 12.05.2022



W.P.No.24316 of 2022

and quash the same, as illegal, arbitrary and further direct the 1st respondent to refer the matter to the authority established under Section 51 of the Act Land Acquisition Act 2013 and for other consequential orders.

For Petitioner : Mr.R.Chakkaravarthy

For Respondents : Mr.T.K.Saravanan, GA, for R1 to R3

ORDER

The petitioner has filed this Writ petition seeking issuance of a Writ of Certiorarified Mandamus to call for the records of the 1st respondent in respect of the order dated 12.05.2022 in No.The.Ne.Ni.A/Be.Che.Vi/C.Ma.Va.Aa.Aa2/85-2022, quash the same and to consequently direct the 1st respondent to refer the matter to the authority established under Section 51 of the Land Acquisition Act 2013.

2. The case of the petitioner is that the property comprised in Old S.No.389/4, New S.No.389/4A, measuring an extent of 3 acres 01 cent situated at Mangalam Village, Ranipet District was originally owned by one Madhuvappa Reddy @ Maduva Reddy and after his demise, all his legal heirs, including the petitioner herein are in joint possession of the subject property and they have also obtained joint Patta bearing Patta No.68 in their



W.P.No.24316 of 2022

favour. While so, the 1st respondent has acquired the subject property to an extent of 12331 sq. metres under the National Highways Act, 1956, for the purpose of Bangalore-Chennai Highways Project. Since there was some property dispute in between the 4th respondent and all other legal heirs including the petitioner, the petitioner and some of the other legal heirs of the said Madhuvappa Reddy have made objections dated 05.04.2019 before the 1st respondent, seeking for disbursement of their respective share of the compensation in their favour, and on receipt of the same, the 1st respondent directed the petitioner and other legal heirs to obtain individual patta in their favour in respect of the subject property and when the petitioner and other legal heirs are in the middle of the process of obtaining individual patta, the 1st respondent, on consideration of the very same objection dated 05.04.2019, issued a summon to the petitioner and other legal heirs to appear for enquiry on 13.12.2021. Pursuant to which, the petitioner and other legal heirs made a detailed representation dated 13.12.2021 before the respondents 1 to 3, however, as the same was not considered by the respondents, the petitioner and some of the other legal heirs filed a Writ Petition in W.P.No.2666 of 2022 and this Court, vide order dated 16.02.2022, directed



W.P.No.24316 of 2022

the 2nd respondent to consider the representation dated 13.12.2021 and pass orders. In compliance of the order passed by this Court, the 1st respondent has passed the present impugned order, vide proceedings bearing No.The.Ne.Ni.A/Be.Che.Vi/C.Ma.Va.Aa.Aa2/85-2022 dated 12.05.2022, directing both the parties to approach the competent Civil court. Challenging the same, the present Writ petition is filed.

3. Though very many grounds have been raised, learned counsel for the petitioner mainly stressed upon the fact that, whenever there is a dispute with regard to the apportionment of the compensation or even if there is any dispute with regard to the title, it is the duty cast upon the Land Acquisition Officer to refer the matter to the Competent civil court in terms of Section 3H(4) of the National Highways Act, 1956, however, till date, the same was not done in the petitioner's case, and instead, the 1st respondent has passed the order impugned in this Writ petition, directing the petitioner and other legal heirs to approach the competent Civil court, which is not sustainable. Hence, he prayed for allowing this Writ petition.



W.P.No.24316 of 2022

4. On the above said contentions, heard learned Government Advocate appearing for the respondents and perused the materials available on record.

5. Section 3H(4) of the National Highways Act, 1956 has been pressed into service by the petitioner to contend that when any dispute arises as to the apportionment of the compensation amount determined, the Land Acquisition Officer may refer such dispute for the decision of the Court. For better appreciation, the relevant provision is extracted hereunder:-

Section 3H in The National Highways Act, 1956

3H(4) If any dispute arises as to the apportionment of the amount or any part thereof or to any person to whom the same or any part thereof is payable, the competent authority shall refer the dispute to the decision of the principal civil court of original jurisdiction within the limits of whose jurisdiction the land is situated.

As rightly pointed out by the petitioner, as per Section 3H(4) of the said Act, instead of referring the subject matter to the competent Civil court, the 1st respondent directed the parties themselves to approach the competent civil court, which is not sustainable. Hence, on the sole ground, the present



W.P.No.24316 of 2022

impugned order is liable to be aside and the 1st respondent is directed to refer the matter to the competent Civil Court as per Section 3H(4) of the said Act for apportionment of the compensation amount and the said exercise shall be completed by the 1st respondent within a period of six weeks from the date of receipt of a copy of this order.

6. For the reasons aforesaid, this Writ petition is allowed. No costs.

12.10.2022

skt

Speaking Order : Yes/ No

Index : Yes/ No

To

1. The Special District Revenue Officer,
Land Acquisition,
Banglore-Chennai National Highways Project,
Vellore District-9.
2. The District Treasury Officer,
District Treasury Office,
District Collector Building,
Block-B, First Floor, Sathuvachery,

6/8



W.P.No.24316 of 2022

Vellore District-9.

WEB COPY

3. The Assistant Treasury Officer,
Taluk Office Complex, Arakonam,
Ranipet District-631 002.

M.DHANDAPANI, J.

skt

W.P.No.24316 of 2022



WEB COPY



W.P.No.24316 of 2022

12.10.2022