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W.P.No.25966 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.25966 of 2022
and
W.M.P.No.25061 of 2022

1.K.R.Venkatachalam
2.K.R.Narayanaswamy

... Petitioners

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Transport Department, Fort St. George,
Chennai – 600 009.
- 2.The District Collector,
Coimbatore.
- 3.The Special District Revenue Officer,
(Land Acquisition),
Airport Runway Expansion,
Coimbatore.
- 4.The Special Tahsildar, (Land Acquisition),
Unit I, Airport Runway Expansion,
Coimbatore.
- 5.Ganesan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to refer the dispute regarding entitlement of compensation for the lands of an extent of



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2.38 acres comprised in S.F.No.290/4B and 290/4C of Irugur Village, Suler Taluk, Coimbatore District acquired for the Coimbatore Airport Expansion Purpose of the 2nd respondent and consequently to the Civil Court and to forbear the respondents 1 to 4 from making any payment or disbursing the compensation amount to the 5th respondent towards the above extent of lands.

For Petitioners	:	Mr.T.Sai Krishnan
For R1	:	Mr.Yogesh Kannadasan, Special Government Pleader
For R2 to R4	:	Mr.T.K.Saravanan, Government Advocate

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the respondents to refer the dispute regarding entitlement of compensation for the lands of an extent of 2.38 acres comprised in S.F.No.290/4B and 290/4C of Irugur Village, Suler Taluk, Coimbatore District acquired for the Coimbatore Airport Expansion Purpose of the 2nd respondent and consequently to the Civil Court and to forbear the respondents 1 to 4 from making any payment or disbursing the compensation amount to the 5th respondent towards the above extent of lands.

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 they are the absolute owners of an extent of 4.77 acres of lands comprised in S.F.No.290/4 of Irugur Village,



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Sulur Taluk, Singanallur, Coimbatore District, a portion of which is the subject matter of this Writ Petition. The first respondent issued notification for acquiring the petitioners' lands for the purpose of expansion of the Airport runway under the Industrial Purpose Act. While being so, the fifth respondent made a claim before the third respondent for disbursement of compensation in respect of portion of lands belonging to the petitioners. Against such a claim, a Suit for declaration was filed by the petitioners, which is still pending. In the meantime, the petitioners entered into an agreement with respondents 2 to 4 with respect to the compensation amount and a sale deed was also executed in respect of 2.39 acres of land being the lands over which there is no dispute comprised in S.F.Nos.290/4A & 290/4B and the remaining portion of 2.38 ½ acres of land comprised in S.F.Nos.290/4B and 290/4C, the petitioners agreed not to institute the Civil Suit. However, the official respondents preferred to disburse the compensation amount in favour of the fifth respondent. Thereafter, the petitioners have filed a Civil Suit in O.S.No.245 of 2021 on the file of Principal Sub-Court, Coimbatore by impleading the fifth respondent as well as the Land Acquisition Officers and District Collector as parties in the said Suit, seeking to declare that the alleged Sale Deed, dated 13.09.1976, vide Doc.No.826 of 1978 on the file of Sub Registrar Office, Singanallur in the



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name of the fifth respondent is null and void and for permanent injunction.

Pending the said Suit, the official respondents have taken steps to disburse the compensation amount in favour of the fifth respondent. Challenging the same, the petitioners have filed the present Writ Petition.

4. The learned counsel for the petitioners submitted that in respect of property in S.F.No.290/4, the petitioners are the owners of an extent of 4.77 acres of land, in which, the petitioners have entered into an agreement in terms of Section 7(2) of the Industrial Purpose Act with the official respondents, to an extent of 2.39 acres of land and the petitioners have received the compensation amount and in respect of balance portion of lands, the fifth respondent is claiming compensation before the official respondents and the official respondents, without conducting any enquiry in terms of Section 7(8) of the Industrial Purpose Act, preferred to disburse the compensation amount in favour of the fifth respondent, which is not sustainable one. Accordingly, he prayed for passing appropriate orders.

5. Heard the learned counsel for the petitioners as well as the learned Government Advocate and learned Special Government Pleader appearing for the respondents and perused the materials available on record.



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6. The facts in the present case are not in dispute. Admittedly, for the very same disputed land, the petitioners have filed O.S.No.245 of 2021 on the file of Principal Sub-Court, Coimbatore by impleading the official respondents as well as the private respondents are the parties. Instead of working out their remedy before the Competent Civil Court, where the Suit is pending, the petitioners have filed the present Writ Petition for the above said prayer, which cannot be permitted. Therefore, the prayer sought for in this Writ Petition cannot be granted.

7. Accordingly, the Writ Petition is dismissed, granting liberty to the petitioners to file an appropriate application before the Competent Civil Court, and if such Interlocutory application is filed, the Civil Court is directed to decide the issue between the parties without in any way being influenced by any of the observations made by this Court. No costs. Consequently, connected Miscellaneous Petition is closed.

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Index : Yes / No
Speaking order: Yes/ No
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M.DHANDAPANI, J.

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