



W.P.No.28748 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2022

CORAM :
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.28748 of 2022
and W.M.P.No.28038 & 28039 of 2022

1.Muthulakshmi
2.Muralimurugan
3.Kathiresan
4.Ravindran
5.Palanivel ... Petitioners

Vs.

1.The District Collector,
Thiruvallur District,
Thiruvallur.

2.The Competent Authority and
Special District Revenue Officer (LA),
National Highways -205,
Thiruvallur.

3.The Deputy General Manager (T) & Project Director,
Chennai – 600 032.

4.The Tahsildar,
Thiruvallur Taluk,
Thiruvallur.

5.The Commissioner of Income Tax (TDS),

Page No.1 of 7



W.P.No.28748 of 2022

7th Floor New Block, Aayakar Bhavan,
No.121, M.G.Road, Chennai – 600 034.

6.Vembuliammal

7.M.Elumalai

8.M.Pakkiri

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus forbearing the 2nd and 5th respondent from disbursing the amount to the respondents 6 to 8 pending enquiry before the 2nd and 4th respondents on the representation of the petitioner dated 27.06.2022.

For Petitioners : Mr.R.Karunakaran

For Respondents 1, 2 & 4 : Mr.B.Vijay,
Additional Government Pleader

ORDER

By consent of both the parties, the writ petition is taken up for final disposal at the time of admission stage itself.

2. Since no adverse order have been passed against the respondents 6 to 8, notice to the respondents 6 to 8 is dispensed with.



W.P.No.28748 of 2022

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3. The petitioner has filed this petition seeking for issuance of Writ of Mandamus forbearing the 2nd and 5th respondent from disbursing the amount to the respondents 6 to 8 pending enquiry before the 2nd and 4th respondents on the representation of the petitioner dated 27.06.2022.

4. The case of the petitioners is that the first petitioner and the respondents 6 to 8 are brothers and the land comprised in S.No.203/1B bearing Patta No.220 to an extent of 3850 sq.mt and another land in S.No.203/48 to an extent of 3000 sq.mt situated at Vedanki Nallu, Thiruvallur Taluk and District was originally owned by first petitioner's parents. Thereafter, the said land was acquired by the first and second respondent for the purpose of laying four lines for the National Highways Projects 205 and award to that effect was passed on 09.11.2011. Further, the first installment of Rs.47,80,247/- was paid, however, the second installment was not paid till date. This being the case, the seventh respondent, one of the legal heirs trying to receive the entire accrued benefits of the second installment on his own. Therefore, the first petitioner made a representation before the second respondent not to disburse



the amount to the respondents 6 to 8 and the enquiry to that effect was also pending. Hence, this writ petition.

5. Learned counsel for the petitioners would submit that this court may issue a direction to the second respondent to conclude the enquiry dated 01.09.2022 after providing an opportunity of hearing to the petitioner and his brothers.

6. Learned Additional Government pleader appearing for the respondents would submit that the enquiry will be conducted after hearing the writ petitioners as well as the other legal heirs and the private respondents.

7. Heard the learned counsel on either side and perused the materials placed on record.

8. Taking into consideration the factual aspects of the matter, this Court without going into the merits of the case, directs the second respondent to conclude the enquiry proceedings dated 01.09.2022, after affording an



W.P.No.28748 of 2022

reasonable opportunity of hearing to the petitioners as well as the private respondents and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

9. With the aforesaid direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

01.11.2022

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Index : Yes/No

Speaking Order : Yes/No

Copy To:

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Page No.5 of 7



W.P.No.28748 of 2022

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M.DHANDAPANI,J.

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W.P.No.28748 of 2022



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W.P.No.28748 of 2022

01.11.2022