



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2022

CORAM

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.31880 of 2022
and WMP.No.31323 of 2022

1. Sadayappan @ Arumugam

2. Sellappan @ Saundarajan

... petitioners

-Vs-

1. The District Collector,
Namakkal.

2. The Land Acquisition Officer and
Revenue Divisional Officer,
Namakkal Taluk.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, for issuance of Writs of Mandamus directing the respondents to disburse the enhanced compensation amount in favour of the petitioners which was awarded by the 2nd respondent herein in Award No. 70/2016 dated 9.12.2016 for the acquisition made in S.No. 362/1 situated in Siluvampatti village of Namakkal Taluk with a total extent of 2.35.0 Hectares of Land based on petitioners representation dated 20.09.2022.

For petitioner : Mr. I.Abrar Mohamed Abdullah

For Respondents : Mr. U.Bharanidharan, AGP

**ORDER**

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This petition has been filed seeking a direction to the respondents to disburse the enhanced compensation amount in favour of the petitioners which was awarded by the 2nd respondent herein in Award No. 70/2016 dated 09.12.2016 for the acquisition made in S.No. 362/1 situated in Siluvampatti village of Namakkal Taluk with a total extent of 2.35.0 Hectares of Land based on petitioners representation dated 20.09.2022.

2. It is the case of the petitioner that the petitioners father is the owner of the land in S.No.362/1 measuring an extent of 2.35.0 Hectares situated in Siluvampatti Village of Namakkal Taluk and the respondents have acquired the above said land for the purpose of formation of Master Plan Complex to construct a collectorate building under the Land Acquisition Act. At the instance of of the petitioners' father, the matter was referred under Section 18 of the Land Acquisition Act, 1894 and the same was taken on file in LAOP No.59 of 1999. The lower appellate Court enhanced the compensation. But the second respondent has not disbursed the compensation to the petitioners on the ground that there was a dispute with regard to the subject property between the legal heirs and therefore, a partition suit has been filed in O.S.No.508/2004 before the Additional District



Munsif Court, Namakkal. It is the further case of the petitioner that the said suit was compromised between the parties. As per the said compromise decree, the petitions are entitled to get enhanced compensation and therefore, the petitioners made a representation dated 20.09.2022 to disburse the entire enhanced compensation amount to the petitioners and there is no action taken so far by the respondents and hence, the petitioners have filed the present writ petition before this Court seeking appropriate remedy.

3. Learned counsel for the petitioners submitted that this Court may direct the second respondent to consider the petitioners representation and pass appropriate orders on merits and in accordance with law within the reasonable time as fixed by this Court.

4. Heard both sides and perused the materials available on record.

5. Considering the facts and circumstances of the case and in view of the limited request made by the petitioners, this Court direct the petitioners to file an appropriate application before the Subordinate Judge, Namakkal along with relevant documents within a period of four weeks from the date of receipt of a



copy of this order. Upon receipt of such petition, the learned Subordinate Judge, Namakkal shall dispose of the said petition within a period of twelve weeks, thereafter in terms of the suit in O.S.No.508/2004, if there is no legal impediment.

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

30.11.2022

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Index : Yes/No

Internet:Yes/No

Speaking Order : Yes/No



To

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Namakkal.
2. The Land Acquisition Officer and
Revenue Divisional Officer,
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M.DHANDAPANI, J.

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