



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.3830 of 2022

and

W.M.P.[MD]No.3322 of 2022

WEB COPY

Seeman

... Petitioner

Vs.

1. The Competent Authority /
Special District Revenue Officer,
[L.A.N.H.785, 785E & 85(New)],
Plot No.171, 6th East Cross Street,
K.K.Nagar,
Madurai - 625 020.

2. Thanam

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the 1st respondent to disburse the compensation amount of Rs.13,88,730/- (Rupees Thirteen Lakhs Eighty Eight Thousand Seven Hundred and Thirty only) to the 2nd respondent, in pursuant to the acquisition of the land in Survey No.399/3 situated in Reddiapatti Village, Natham Taluk, Dindigul District acquired for the public purpose of four laning / widening of the National Highway No.785 in Dindigul District by considering the objection given by the petitioner dated 23.02.2022 within the period stipulated by this Hon'ble Court.

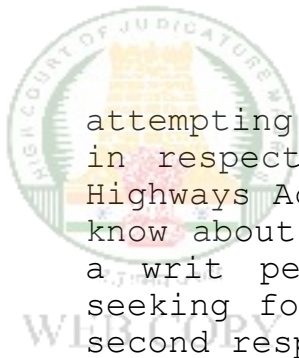
For Petitioner : Mr.N.Sathish Babu

For R1 : Mr.T.Amjad Khan
Government Advocate

O R D E R

This writ petition has been filed for a Mandamus seeking to forbear the first respondent from disbursing the compensation amount of Rs.13,88,730/- (Rupees Thirteen Lakhs Eighty Eight Thousand Seven Hundred and Thirty only) to the 2nd respondent, pursuant to the acquisition of the land in Survey No.399/3 situated in Reddiapatti Village, Natham Taluk, Dindigul District based on the petitioner's objection dated 23.02.2022 within a time frame to be fixed by this Court.

2.It is the case of the petitioner that though he is the absolute owner of the property, fraudulently the mother of the second respondent has executed a Gift Settlement Deed on 13.04.2010 in favour of the second respondent. According to the petitioner, the second respondent based on the said Gift Settlement Deed is



attempting to get the compensation amount from the first respondent in respect of the property which was acquired under the National Highways Act, 1956. It is the case of the petitioner that he came to know about the same only recently. The petitioner has already filed a writ petition before this Court in W.P.[MD]No.17626 of 2021, seeking for cancellation of the patta standing in the name of the second respondent.

3.It is also the case of the petitioner that he has already initiated proceedings against the second respondent for cancellation of the Gift Settlement Deed dated 13.04.2010 which is pending on the file of the District Registrar, Dindigul. Therefore, according to the petitioner, he alone is entitled to get the compensation amount from the first respondent. He has given an objection cum representation on 23.02.2022 to the first respondent to forbear the first respondent from paying the compensation amount to the second respondent. Since the said objection has not been considered till date, the petitioner has filed this writ petition.

4.Heard Mr.N.Sathish Babu, learned Counsel appearing for the petitioner and Mr.T.Amjad Khan, learned Government Advocate who accepts notice on behalf of the first respondent.

5.Learned Government Advocate, on instructions, would submit that the notification was issued twice by the first respondent calling for objections from the general public but the petitioner did not raise any objections earlier but after a belated period of two years, he has raised objection only now, which according to him is not permissible.

6.However, it is the contention of the learned Counsel for the petitioner that he came to know about the acquisition and the determination of the compensation and payment of compensation to the second respondent only now and therefore, the petitioner's right to claim compensation cannot be defeated. Learned Counsel for the petitioner drew the attention of this Court to Section 3-I of the National Highways Act and would submit that the first respondent is having the powers of a Civil Court under the said Section and therefore, it can decide as to whom the compensation will have to be paid. According to him, having given the objections on 23.02.2022, the first respondent ought to have considered the same on merits and in accordance with law in the light of Section 3-I of the National Highways Act.

7.After giving due consideration to the submissions made by the respective Counsels, this Court is of the considered view that no prejudice would be caused to the first respondent if the petitioner's objections dated 23.02.2022 referred to supra, is considered on merits and in accordance with law after affording a fair opportunity of hearing to the petitioner as well as the second



respondent.

8. Accordingly, this Court directs the first respondent to consider the petitioner's objection dated 23.02.2022 requesting the first respondent not to disburse the compensation amount of Rs.13,88,730/- (Rupees Thirteen Lakhs Eighty Eight Thousand Seven Hundred and Thirty only) to the second respondent pursuant to the acquisition of the land in Survey No.399/3 situated in Reddiapatti Village, Natham Taluk, Dindigul District acquired for the public purpose of four laning / widening of the National Highway No.785 in Dindigul District and pass final orders on merits and in accordance with law after affording a fair opportunity of hearing to the petitioner and the second respondent, including granting them the right of personal hearing within a period of twelve [12] weeks from the date of receipt of a copy of this order. The petitioner is directed to submit all the relevant documents / title deeds / revenue records before the first respondent.

9. With the aforesaid direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CRL SIDE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Competent Authority /
Special District Revenue Officer,
[L.A.N.H.785, 785E & 85(New)],
Plot No.171, 6th East Cross Street,
K.K.Nagar, Madurai - 625 020.

+1 CC to M/s.SPL GP (SR-9692[F] dated 03/03/2022)

ORDER MADE IN

W.P. [MD]No.3830 of 2022

02.03.2022

ck (CO)

TR(04.03.2022) 3P 3C