



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.8930 of 2022

WEB COPY

M. Rama Subramaniyan

... Petitioner

Vs.

1. The District Collector,
Virudhunagar District,
Virudhunagar.

2. The District Revenue Officer
for Land Acquisition,
Collectorate,
Virudhunagar.
(R-2 is *suo motu* substituted vide
Order dated 06.06.2022)

3. The Thasildhar
Rajapalayam,
Virudhunagar District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, direction the respondents particularly the 2nd and 3rd respondents to disburse the compensation amount of Rs.7,09,046/- which was raised in the petitioner's land in S.No. TS.No. 9/1 (0.0055.0 sq.m) at ward-H, Block-15, Pudhupalayam Village, Rajapalayam Taluk, Virudhunagar District and consider the petitioner's representation dated 13.04.2022.

For Petitioner : Mr.S. Sivakumar

For Respondents : Mr. M.Sarangan,
Additional Government Pleader.

O R D E R

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for the respondents.

2. The grievance of the petitioner is that even though the petition mentioned land belonging to him was acquired by the authorities for public purpose, compensation has not been paid.

3. When the matter was taken up for hearing, the learned Additional Government Pleader submitted that the property in



question was mortgaged by the petitioner and the land was obtained on that basis and that the dispute between the writ petitioner and the mortgagee is pending consideration in S.A.(MD)No.423 of 2018 on the file of this Court.

4. The mortgagee has not been made as party to the writ petition. I do find force in the said objection. But then, the compensation amount cannot be retained by the respondents themselves. Therefore, the respondents are directed to deposit the award amount to the credit of S.A.(MD)No.423 of 2018 within a period of four weeks from the date of receipt of a copy of this order. It is for the petitioner to file miscellaneous petition in the pending second appeal and the disbursal of the amount will depend upon the outcome of the said miscellaneous petition.

5. With this direction to the respondents and liberty to the petitioner, this writ petition stands disposed of.

Sd/-

Assistant Registrar(CS-)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

PMU

To:

1. The District Collector, Virudhunagar District, Virudhunagar.
2. The District Revenue Officer for Land Acquisition, Collectorate, Virudhunagar.
3. The Thasildhar Rajapalayam, Virudhunagar District.

Copy to

1.The Sub Assistant Registrar, Judicial Section, Madurai Bench of Madras High Court, Madurai.

(the respondents are directed to deposit the award amount to the credit of S.A.(MD)No.423 of 2018 within a period of four weeks from the date of receipt of a copy of this order.)

2.The Section Officer,Accounts Section, Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.SPL.GP. (SR-25603[F] dated 14/06/2022)

W.P.(MD)No.8930 of 2022

13.06.2022

NSN(CO)

TR(24.06.2022) 2P 7C