



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.12970 of 2022

S.Arumugam

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. By its Secretary,
State Highways Department,
Fort St.George, Chennai – 600 009.
2. The Special District Revenue Officer,
(Land Acquisition),
Tamil Nadu Road Sector Project-II,
Trichy.
3. The Special Tahsildar (Land Acquisition),
Tamil Nadu Road Sector Project-II,
Tirunelveli.
4. Nallakkan
S/o.Subiah Konar
5. Petchiammal
6. Esakkiammal
7. Murugammal
8. Sundhar
9. Nallakkan,
S/o.Palavesam
(R-4 to R-9 are impleaded vide Order dated
04.07.2022 in W.M.P.(MD)No.9685 of 2022)

... Respondents



WEB COPY

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein forthwith to fix the award and disburse the 1/4th compensation amount with appropriate interest to the petitioner for acquiring the petitioner's father lands in survey No.229/4B2, survey No.229/5B and survey No.229/3B2 at Thisiyanvillai Revenue Village, Tirunelveli District.

For Petitioner : Mr.A.Ajith Geethan

For R-1 to R-3 : Mr.K.Balasubramani,
Special Government Pleader.

For R-6 to R-9 : No appearance.

* * *

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for respondents 1 to 3.

2. The petition mentioned lands belong to Late.Subbaiah Konar. The lands were acquired under the Tamil Nadu Highways Act. The authority also determined the



amount of compensation payable. However, it could not be disbursed because there was no consensus among the legal heirs. It is seen that Subbaiah Konar's mother Madathi Ammal predeceased him. Subbaiah Konar's wife Pramu Ammal had also passed away. Subbiah Konar was blessed with four children, namely, the petitioner Arumugam, Nallakan, Petchiammal and Palavesam. Palavesam is no more. Though the petitioner originally claimed that he has an unregistered Will in his favour, he is not willing to anchor his claim thereon. The petitioner would be satisfied if his 1/4th share is disbursed to him. Even though the other legal heirs of Subbaiah Konar were ordered to be impleaded, notices could be served only to the legal heirs of Palavesam. Notices could not be served on the petitioner's siblings, namely, Nallakan and Petchiyammal. The petitioner enclosed the legal heirs certificate from which it can be seen that Arumugam the writ petitioner was one of the legal heirs of the deceased Subbiah Konar.

3. I therefore, direct the respondents 1 and 2 to disburse 1/4th of the compensation amount to the petitioner herein. The remaining amount shall be retained for



disbursement of the other legal heirs. As and when the petitioner makes available the relevant documents, disbursement of 1/4th compensation amount to the petitioner will be made within a period of eight weeks thereafter.

4. This writ petition stands allowed on these terms.

No costs.

25.07.2022

Index : Yes / No

Internet : Yes/ No

PMU

To:

1. The Secretary,
State Highways Department,
Fort St.George, Chennai – 600 009.
2. The Special District Revenue Officer,
(Land Acquisition),
Tamil Nadu Road Sector Project-II,
Trichy.
3. The Special Tahsildar (Land Acquisition),
Tamil Nadu Road Sector Project-II,
Tirunelveli.

G.R.SWAMINATHAN,J.



WEB COPY



5

W.P.(MD)NO.12970 OF 2022

PMU

W.P.(MD)No.12970 of 2022

25.07.2022