



W.P(MD)No.15925 of 2014

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.09.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.15925 of 2014

P.Jaya

... Petitioner

Vs.

1.The Special District Revenue Officer,
Revenue Officer,
National Highways (Land Acquisition),
Second Floor, Collector's Office,
Old Building,
Trichy-600 001.

2.Arockiya John Kennedy

3.Robert Clement

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the first respondent to recover the award amount of Rs.19,74,011/- disbursed to the respondents 2 and 3 and deposit the same before the competent Land Acquisition Tribunal at once .



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For Petitioner : M/s.P.Ganapathi Subramanian
For R-1 : M/s.B.Saravanan
Additional Government Pleader
For R-2 & R-3 : Mr.G.Karnan

ORDER

The present Writ Petition has been filed seeking a Writ of Mandamus, directing the first respondent herein to recover the award amount from the second and third respondents and deposit the same before the competent Land Acquisition Tribunal.

2. According to the petitioner, the lands in dispute were acquired by the first respondent herein for formation of National Highways. According to the petitioner, they are the absolute owners and hence, they are entitled to the entire compensation amount. However, the first respondent herein has erroneously disbursed the compensation amount in favour of the second and third respondents, especially when the third respondent was abroad. Hence, the present writ petition has been filed seeking a direction as against the first respondent herein.



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3. Per contra, the learned Counsel for the second and third respondents herein had contended that they have filed a suit in O.S.No.55 of 2012 on the file of the District Munsif Court, Thiruvaiyaru, as against the writ petitioner and others for the relief of declaration of title, permanent injunction and for recovery of a sum of Rs.45,790/-, which was paid to the writ petitioner. The said suit was decreed as prayed for on 28.02.2017. Hence, according to the learned Counsel for the private respondents, the civil Court has declared the title in favour of the second and third respondents. Hence, the question of claiming compensation for the acquisition of the said land from the respondents will not arise. However, the learned Counsel for the petitioner submits that they have already filed A.S.No.24 of 2017 on the file of the Additional Sub Court, Thanjavur, as against the decree made in O.S.No.55 of 2012.

4. The sequence of events narrated above will clearly indicate that there is a serious title dispute between the petitioner and the second and third respondents herein. The second and third respondents have succeeded before the trial Court and the petitioner has already filed a first appeal, which is said to be pending. Only if the civil Court decides the



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title in favour of the writ petitioner, the question of directing the first respondent to recover the compensation amount paid to the second and third respondents would arise. In view of the pendency of the first appeal, the writ petition is closed for the present. As soon as the civil proceedings attain finality, the writ petitioner is entitled to file a fresh writ.

5. With the above said observations, the writ petition stands closed. There shall be no order as to costs.

26.09.2022

Index : Yes / No
Internet : Yes / No
btr

To

The Special District Revenue Officer,
Revenue Officer,
National Highways (Land Acquisition),
Second Floor, Collector's Office,
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R.VIJAYAKUMAR, J.

btr

Order made in
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