



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.20595 of 2021

R.Kannan

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Madurai District,
Madurai.

2.The Special Tahsildar,
Land Acquisition National Highway Office,
National Highway Road No.744A, Unit-I,
No.10, Electricity Nagar, Surveyor Colony,
Madurai-625 007.

... Respondents

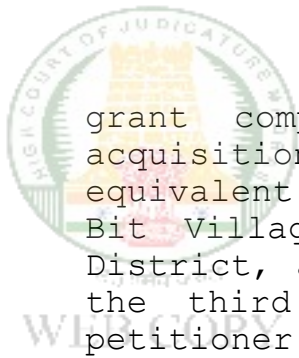
(R3 is deleted vide court order dated
18.11.2021in W.P.(MD).No.20595 of 2021)

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to grant the compensation amount payable to the petitioner for the acquisition of his lands in UDR Survey No.106/11 an extent of 0.02.12 arce (3000 sq.fts), patta No.762 in Chittampatti 2nd Bit Village, 83-NIr Thamaraipatti, Madurai North Taluk, Madurai District, after deducting and paying the mortgage amount payable to the third respondent Rs.4,00,000/- towards principal and interest as per the registered mortgage deed Document No.1256/2018 dated 04.09.2018 by considering the petitioner's representation dated 26.10.2021, within the period as stipulated by this Court.

For Petitioner	:	Mr.A.Haja Mohideen
For Respondents	:	Mr.J.John Rajadurai Government Advocate

ORDER

The writ petition has been filed in the nature of Mandamus, seeking a direction to the second respondent/Special Tahsildar Land Acquisition National Highway Office, National Highway, Madurai to



grant compensation amount payable to the petitioner for the acquisition of lands in UDR Survey No.106/11 measuring 0.02.12 acres equivalent to 3000 square feets in Patta No.762 in Chittampatti 2nd Bit Village, 83-Nir Thamaraipatti, Madurai North Taluk, Madurai District, after deducting and paying the mortgage amount payable to the third respondent by considering the representation of the petitioner dated 26.10.2021.

2.*Prima facie* holding that the said relief cannot be granted, even when the matter was come up on an earlier date, this Court had deleted the third respondent from the cause title by order dated 18.11.2021.

3.In the affidavit filed in support of the writ petition, it had been stated that the petitioner was in peaceful possession and enjoyment of the aforementioned lands. He had borrowed a sum of Rs.3,00,000/- from the third respondent. He had executed a registered mortgage deed with respect to the said property in favour of the third respondent. Thereafter, the property was acquired by the second respondent. The petitioner now seeks that while paying the compensation amount, the amount payable by him to the third respondent towards the mortgage should be deducted and paid directly to the third respondent. The intention of the petitioner is noble. He admits to his liability to the third respondent, but unfortunately, the second respondent cannot do what the petitioner requests. The second respondent will necessarily have to pay the compensation amount only to the petitioner and thereafter, the petitioner may settle the issue with the third respondent. The relief sought for by the petitioner cannot be granted.

4.The Writ Petition is dismissed. No costs. The right of the petitioner is however recognized by the Court as being the owner of the land.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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

1.The District Collector,
Office of the District Collector,
Madurai District,
Madurai.

2.The Special Tahsildar,
Land Acquisition National Highway Office,
National Highway Road No.744A, Unit-I,
No.10, Electricity Nagar, Surveyor Colony,
Madurai-625 007.

+1 CC to M/s.SPL.GP (SR-1472[F] dated 12/01/2022)

W.P(MD) .No.20595 of 2021
11.01.2022

MGJ(10.02.2022) 3P 4C