



W.P.(MD).No.22082 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.(MD).No.22082 of 2022

and

W.M.P.(MD)No.16276 of 2022

Murugan

... Petitioner

vs.

1.The Special District Revenue Officer,
(Land Acquisition)
Tamil Nadu Road, Sector Project-II,
Trichy-1.

2.The Tahsildar,
(Land Acquisition),
Tamil Nadu Road,
Sector Project-II,
Maharaja Nagar,
Tirunelveli.

3.S.Arumugam

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to disburse the petitioner's share in the total compensation as deposited in the land acquisition process in respect of the petitioner's land in Survey No.229/5 measuring to an extent of 1 Acre 4 cents and Survey No.



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229/4B measuring to an extent of 99 cents both situated at Thisaiyanvilai, Tirunelveli District forthwith.

For Petitioner : Mr.S.Palani Velayutham
For R1 & R2 : Mr.A.Kannan
Additional Government Pleader

ORDER

This writ petition is filed for issuance of a Writ of Mandamus, directing the first respondent to disburse the petitioner's share in the total compensation as deposited in the land acquisition process in respect of the petitioner's land in Survey No.229/5 measuring to an extent of 1 acre 4 cents and Survey No.229/4B measuring to an extent of 99 cents both situated at Thisaiyanvilai, Tirunelveli District forthwith.

2. The case of the petitioner is that the properties in Survey Nos. 229/5 and 229/4B originally belongs to the petitioner's grandfather viz., Nallakannu Konar. The said Nallakannu Kondar had two legal heirs viz., Subbiah Konar and Arumuga Konar. The said Subbiah Konar had four legal heirs viz., Nallakannu, Petchiammal, Palavesam and Arumugam



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and the Arumuga Konar had three legal heirs viz., Murugan (the petitioner herein), Madathi and Shanmugathammal. The above said properties are the joint family properties. On 09.06.1970, the petitioner's grandfather executed a Will to his legal heirs viz., the father of the petitioner and the father of the third respondent. In such circumstances, for extension of National Highways, the Government of Tamil Nadu had acquired the said properties. After acquisition, compensation payable to the entire family for the said property was deposited in a Nationalized Bank by the first respondent. The petitioner is also entitled to get share of compensation as like his sister Madathi. Hence, he approached the first respondent for disbursement of his share and his sister's share in the compensation amount. While so, he received a communication from the first respondent dated 06.09.2022 that the third respondent got an order from this Court in W.P.(MD).No.12970 of 2022, on 25.07.2022, for disbursement of compensation amount to him alone. Hence, the petitioner has approached this Court seeking direction to the first respondent to pay the petitioner's proportionate share in the total compensation.



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3. Heard Mr.S.Palani Velayutham, learned counsel appearing for the petitioner and Mr.A.Kannan, learned Additional Government appearing for the respondents 1 and 2.

4. The learned counsel appearing for the petitioner would submit that without even impleading the petitioner's family as party, behind their back, the third respondent attempted to get the compensation by suppressing the real facts and hence, he sent a representation to the first respondent on 31.08.2022. He would further submit that the first respondent has to consider the same and pass appropriate orders.

5. Earlier, this Court in W.P.(MD).No.12970 of 2022, directed the respondents 1 and 2 to disburse 1/4th of the compensation amount to the petitioner for acquiring the petitioner's father lands in S.Nos.229/4B2, 229/5B and 229/3B2 at Thisiyanvillai Revenue Village, Tirunelveli District. This Court also directed the authorities to retain the remaining amount for disbursement of the other legal heirs. As and when the petitioner makes available the relevant documents, disbursement of 1/4th



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compensation amount to the petitioner will be made within a period of eight weeks thereafter.

6. In case, already there is a sub division, the authority has to find out the same. As the petitioner herein was not made as a party, this Court directs the authorities viz., the first respondent herein to retain the remaining amount and to consider the petitioner's representation, dated 31.08.2022 and pass appropriate orders, after giving reasonable opportunity to the petitioner as well as the others and disburse the amount as per their share, on production of relevant documents and to prove that they are the legal heirs of Nallakannu Konar family, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

20.09.2022

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V.BHAVANI SUBBAROYAN,J.

akv

To

- 1.The District Revenue Officer,
O/o.The District Revenue Officer,
District Collector Office Building,
Madurai District.
- 2.The Revenue Divisional Officer,
O/o.Revenue Divisional Office,
Tirumangalam Taluk,
Madurai.

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