



W.P.(MD) No.21640 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2022

CORAM:

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD) No.21640 of 2021

and

W.M.P.(MD) Nos.18215 & 18216 of 2021

S.Ganesan

.. Petitioner

Vs

- 1.The District Collector,
Dindigul District, Dindigul.
- 2.National Highways Authority of India,
Rep., by its Regional Officer,
2nd and 3rd Floor, Vijay Krishna Plaza,
No.1, Lake Area, Mattuthavani,
Madurai - 625 007.
- 3.The Competent Authority,
District Revenue Officer (Acquisition),
D.No.567, APJ Abdul Kalam Street,
Dindigul District - 624 004.
- 4.The Special Tahsildhar (Land Acquisition),
Land Acquisition National Highways NH-209,
Oddanchathiram Unit, Dindigul District.
- 5.Muthusamy (Died)
- 6.Kalimuthu



W.P.(MD) No.21640 of 2021

7.Ramasamy

8.Kumarayammal

9.Kalisamy

10.Ramasamy

11.Subramani

.. Respondents

***[R8 to R11 – impleaded as LRs of the deceased 5th respondent
vide order dated 16.08.2022 made in W.P.(MD) No.21640 of 2021]***

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to forbear the Respondent Nos.1 to 4 from disbursing the land acquisition award amount to the Respondent Nos.5, 6, 7 until the disposal of the petition suit in OS.No. 265 of 2020 pending on the file of the Principal Sub Court, Palani, Dindigul District and consequently directing the Respondents Nos.1 to 4 to credit the award amount for the lands acquired in Survey No.172/1A, 172/1B, 172/1C, 172/1D and 176/1A, 176/1B, 176/1C, 176/1D in Reddiapatti Village, Ottanchathiram Taluk, Dindigul District to the credit of O.S.No.265 of 2020 on the file of the Principal Sub Court, Palani, Dindigul District.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.K.Balasubramani
Special Government Pleader
for R1, R3 & R4

: Mr.Su.Srinivasan for R2



W.P.(MD) No.21640 of 2021

WEB COPY

: Mr.G.Sridharan for R6 to R11

: R5-Died

ORDER

Heard the learned counsel for the petitioner, the learned Special Government Pleader for the State, the learned counsel for the second respondent and the learned counsel for the sixth respondent.

2. The property in question originally belonged to Palaniappa Asari. He purchased the same vide sale deed dated 17.06.1973. Palaniappa Asari had four sons viz., Kalimuthu, Muthusami, Ramasamy and Subban @ Subramani. The petitioner herein is the son of Subban @ Subramani. The property in question was acquired for widening National Highways. Award has also been passed.

3. The case of the writ petitioner is that since he had filed a partition suit, making the private respondents as defendants, the authority should not disburse the award amount. Since an objection had been



W.P.(MD) No.21640 of 2021

received from the writ petitioner, the competent authority had also stayed his hands. However, anticipating that he may disburse the amount, this writ petition came to be filed.

4. It is seen that as already pointed out, the property was the self-acquired property of Palaniappa Asari. Palaniappa Asari died intestate. The specific stand of the private respondents is that way back in the year 1983, Subban @ Subramani executed a sale deed conveying his 1/4th share in the petition mentioned property in favour of Kalimuthu and Muthusamy. It is pointed out that the sale deed was executed on behalf of the writ petitioner and his brother Kaliappan also. The petitioner of course had filed a partition suit and it is still pending, but the petitioner has not obtained any restraint order from the jurisdictional civil Court.

5. From the materials placed before me, I am more than satisfied that the competent authority cannot be restrained from disbursing the award amount to Kalimuthu and the legal heirs of Muthusamy and Ramasamy. This finding is given based on the materials now placed



W.P.(MD) No.21640 of 2021

before me. The rights of the parties will of course abide by the outcome of the partition suit. This Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

16.08.2022
(2/2)

Index : Yes/No
Internet : Yes

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To

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W.P.(MD) No.21640 of 2021

G.R.SWAMINATHAN, J.

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W.P.(MD) No.21640 of 2021

16.08.2022
(2/2)