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W.P.No.1037 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.1037 of 2023

A.Thangavelu

... Petitioner

Vs.

1.The Special District Revenue
Officer [Land Acquisition],
National Highway No.209,
No.567, A.P.J.Abdul Kalam Nagar,
Opp to the District Collector Office,
Dindigul – 624 001.

2.The Special Thasildhar [Land Acquisition]
N.H.209, Unjavelampatti,
Pollachi, Coimbatore District.

3.N.Kavipriya

4.Minor N.Dakshana
Rep. by her guardian mother and
next friend N.kavipriya
[R3 & R4 suo motu impleaded vide
order dated 14.07.2023]

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for
issuance of a Writ of Mandamus, directing the first respondent to consider



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the petitioner's representation dated 20.05.2022 and to pay compensation amount for the acquired land of 5060 square meters, 86 coconut trees and other movable properties.

For Petitioner	: Mr.S.Nagarajan
For R1 & R2	: Mr.C.Jayaprakash Government Advocate
For R3 & R4	: Mr.S.R.Raghunathan

ORDER

The relief sought for in the present writ petition is to direct the first respondent to consider the petitioner's representation dated 20.05.2022 and pay compensation amount for the acquired land of 5060 sq.m., 86 coconut trees and other movable properties.

2.It is not in dispute that the property belonging to the family of the petitioner was acquired for public purposes. The compensation due to the erstwhile owner was determined as Rs.90,24,104/-. Since the authorities have not settled the compensation amount, the petitioner has chosen to file the present writ petition.



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3. During the course of arguments, it is brought to the notice of this Court that a civil suit was instituted by the daughter-in-law and the grand daughter of the petitioner since the son of the petitioner died. The daughter-in-law and the grand daughter jointly filed a civil suit in O.S.No.436 of 2018 on the file of the District Court, Coimbatore claiming property rights since they are the legal heirs of the deceased son of the petitioner.

4. Yet another civil suit was instituted in O.S.No.387 of 2020 on the file of the District Munsif Court, Pollachi not to disburse the compensation amount to the petitioner.

5. The parties have now agreed to share the compensation amount and accordingly, the respondents 3 and 4 filed an affidavit stating as follows:

"10. I humbly submit that the petitioner has agreed for paying Rs.25 lakhs to us by the respondents 1 and 2 being part of the compensation amount payable for the lands acquired by respondents 1 and 2. We hereby agree to receive the said amount of Rs.25 lakhs without



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prejudice to our claim made in O.S.No.436 of 2018.

11.I humbly submit that in view of the offer made by the petitioner to pay Rs.25 lakhs to respondents 3 and 4 out of compensation of Rs.90,24,104/- we hereby agree to receive the said amount without prejudice to our claim made in O.S.No.436 of 2018. I am entitled to proceed in the above suit seeking division of remaining properties retained by the petitioner, A.Thangavel. We hereby reserve our right to claim proportionate amount due to us in case of any enhancement of compensation, if any awarded in future."

6.The petitioner also filed an affidavit agreeing to settle a sum of Rs.25 lakhs to the respondents 3 and 4 from and out of the total compensation amount of Rs.90,24,104/-. The affidavit of the petitioner reads as under:

"5.I most respectfully submit that though all my properties are self acquired properties, initially I was willing and ready to pay Rs.20,00,000/- [Rupees Twenty Lakhs only] to the 3rd and 4th respondents. Because I had spent several lakhs rupees for medical expenses for my wife, son and for me. Further, I have to settle around



Rs.35,00,000/- [Rupees Thirty Five lakhs Only] to the bank as well as to the financiers. However, by considering the welfare and future of my Grand-Daughter/4th respondent, I am willing to pay Rs.25,00,000/- [Rupees Twenty Five Lakhs only] to the 3rd and 4th respondents without prejudice to my rights in the civil suit. I pray this Hon'ble Court to direct the 1st respondent to settle the remaining compensation amount of Rs.65,24,104/- to me. This fact may be please be recorded by this Hon'ble Court."

7.In view of the agreement between the petitioner and the respondents 3 and 4, the following orders are passed:

- 1) The respondents 1 and 2 are directed to pay a sum of Rs.25 lakhs to the respondents 3 and 4. The cheque or demand draft is to be drawn in favour of the respondents 3 and 4 and to be paid directly.
- 2) The respondents 3 and 4 in this regard are at liberty to approach the respondents 1 and 2 for the purpose of receiving the compensation amount of Rs.25 lakhs along with the proportionate accrued interest, if any.
- 3) The balance amount of compensation is directed to be settled in favour of the writ petitioner along with the



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proportionate accrued interest, if any.

- 4) In the event of enhancement of compensation at the instance of the petitioner or at the instance of the Government, the said enhanced compensation also to be shared in the same manner between the petitioner and the respondents 3 and 4 along with the accrued monetary benefits.
- 5) The respondents 3 and 4 are at liberty to pursue the suit already instituted claiming property rights from the family of the petitioner.
- 6) The respondents 1 and 2 are directed to settle the compensation in favour of the petitioner and the respondents 3 and 4 within a period of four weeks from the date of receipt of a copy of this order.

8. With the above directions, the writ petition stands disposed of. No costs.

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Index : Yes/No
Speaking order/Non-Speaking Order
Neutral Citation : Yes /No
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S.M.SUBRAMANIAM, J.

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