



WEB COPY

W.P.No.3584 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.3584 of 2023

and

W.M.P.No.3646 of 2023

E.Srinivasan

... Petitioner

Vs.

1.The District Collector

Chengalpet District Collectorate Campus
Chengalpet.

2.The Special Tahsildar (Land Acquisition)

Mamallapuram-Puducherry
National Highway Scheme Unit-2
No.6 Varatharajan Street, Vedhachalam Nagar
Chathirampettai Village
Cheyyur Taluk
Chengalpet District 603 305.

3.The Special District Revenue Officer (Land Acquisition)

Mamallapuram-Puducherry
National Highway Scheme Unit-2
No.6 Varatharajan Street, Vedhachalam Nagar
Chathirampettai Village
Cheyyur Taluk
Chengalpet District 603 305.

4.E.Loganathan



5.E.Palani

6.E.Radha Krishnan

7.Mrs.Indirani

8.Mrs.Selvi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of the 3rd respondent in his proceedings No.vide Na.Ka.No.129/ 2022/The.Ne / Pu.Ma dated 24.12.2022 and quash the same and consequently direct the 3rd respondent to disburse the compensation fixed for the house property constructed by the Petitioner herein in the respective land bearing S.No.32/ 3c with an extent of 0.04 cents out of total extent of 525 sq.mt situated at 105, Cuddalore Chathirampettai, Cheyyur Taluk, Chengalpet District, which is also about to acquire for widening the road, due to him within in a stipulated time.

For Petitioner : Ms.Nithya

For R1 to R3 : Mr.D.Ravichander
Special Government Pleader

For R4 to R8 : Mr.P.Munuswamy



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ORDER

The order impugned dated 24.12.2022 passed by the Special District Revenue Officer (Land Acquisition) is under challenge in the present writ petition.

2. The petitioner states that an award was passed and the quantum of compensation also has been determined by the respondents. The petitioner is a senior citizen and his livelihood is affected on account of acquisition proceedings. Thus, they made a representation for settlement of compensation. The Land Acquisition Officer has rejected the application on the ground that there is an objection from other legal heirs.

3. The learned counsel appearing on behalf of the respondents 4 to 8 made a submission that the respondents 4 to 8 are also senior citizen and they are also entitled for compensation.

4. May that as it be, this Court is of the considered opinion that the Land Acquisition Officer has no authority to decide the dispute between the



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legal heirs of the land owners. The Land Acquisition Officer after passing an award, if there is any dispute between the parties, has to deposit the compensation amount in the Competent Jurisdictional Court, enabling such Court to adjudicate the issues and disburse the compensation as per the eligibility of the claimants. Therefore, the order impugned is perverse and beyond the jurisdiction of the Land Acquisition Officer.

5. Accordingly, the impugned order passed by the 3rd respondent in his proceedings No.vide Na.Ka.No.129/ 2022/The.Ne / Pu.Ma dated 24.12.2022 is quashed. The respondents 1 to 3 are directed to deposit the entire compensation amount along with the interest within a period of four (4) weeks from the date of receipt of a copy of this order. On such deposit the petitioner and the other claimants are at liberty to file an appropriate application for disbursement of their respective portions in accordance with law.



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costs.

6. With the above directions, this Writ Petition stands allowed. No

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Index : Yes

Speaking order

Neutral Citation : Yes

To

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S.M.SUBRAMANIAM, J.

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