



W.A.No.1870 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

W.A.No.1870 of 2023

Indira .. Appellant

Vs.

1. The Special Tahsildar
Unit IV, Mamallapuram
Pondicherry Highway Corridor
Chengalput 603 001.

2. Elumalai .. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order 19.01.2022 made in W.P.No.26727 of 2021.

For the Appellant : Mr.Naveen Kumar Murthy
For Ms.S.Varsha

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for Respondent-1

Mr.L.Dhamodaran
for Respondent-2



W.A.No.1870 of 2023

WEB COPY

JUDGMENT
(Delivered by the Hon'ble Chief Justice)

Heard Mr.Naveen Kumar Murthy, learned counsel for Ms.S.Varsha, learned counsel for the appellant, Mr.P.Muthukumar, learned State Government Pleader for the first respondent and Mr.L.Dhamodaran, learned counsel for the second respondent.

2. The second respondent filed a writ petition before the learned Single Judge seeking a direction to deposit the award amount/compensation in respect of the land acquired in the Court where dispute between the parties is pending.

3. It appears that the Court, under the interim order, directed the authority to deposit the amount in Court and thereafter, under the final order, directed the amount to be paid in tune with the decision given by the Court.

4. Learned counsel for the appellant submits that the second



W.A.No.1870 of 2023

WEB COPY

respondent had only paid about Rs.5.50 to 6.00 lakh pursuant to the agreement. At the most, the writ petitioner would be entitled to subject amount, if he succeeds in the suit. The compensation amount is payable to her. So, keeping an amount of Rs.6.00 lakh, the remaining amount may be directed to be paid to the appellant.

5. The second respondent herein/original writ petitioner had filed a civil suit bearing O.S.No.326 of 2019 for specific performance of contract pursuant to an agreement of sale. The second respondent contends that he has paid an amount of Rs.60 lakh. The agreement of sale is of the year 2009 and the acquisition proceedings are initiated subsequently.

6. The rights of the appellant are sub judice before the Civil Court in O.S.No.326 of 2019. The learned Single Judge has appropriately exercised the discretion and directed the amount to be deposited in Court and the amount may be paid in tune with the decision in the suit.



W.A.No.1870 of 2023

WEB COPY

7. As the rights of the appellant are yet to be decided in the Civil Court, the Civil Court, where O.S.No.326 of 2019 is pending, shall disburse the amount in tune with the decision that is taken in the said suit.

8. It is submitted that now the suit is ready for evidence.

9. Considering the nature of the dispute and that the amount is now to be kept in fixed deposit till the pendency of the suit and the parties are deprived of the amount, the Civil Court may endeavour to decide the suit expeditiously. Of course, the parties shall cooperate in the expeditious disposal of the suit.

10. With these observations, the writ petition is disposed of. There will be no order as to costs. Consequently, C.M.P.No.16260 of 2023 is closed.

(S.V.G., CJ.)

(P.D.A., J.)
27.07.2023



W.A.No.1870 of 2023

WEB COPY

Index : Yes/No

Neutral Citation : Yes/No

kpl

To

The Special Tahsildar
Unit IV, Mamallapuram
Pondicherry Highway Corridor
Chengalput 603 001.



WEB COPY



W.A.No.1870 of 2023

THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESSAVALU, J.

(kpl)

W.A.No.1870 of 2023

27.07.2023