



WEB COPY

W.P.No.5576 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.5576 of 2023

and

W.M.P.Nos.5595 and 5596 of 2023

K.Parthipan

... Petitioner

Vs.

1.The District Collector,
Collectorate Office,
Dharmapuri District.

2.Competent Authority / Special District
Revenue Officer – Land Acquisition
National Highways – 844,
(Hosur – Royakottai – Dharmapuri Section),
Dharmapuri District.

3.The Special Tahsildar Land
Acquisition National
Highways – 844
(Hosur – Royakottai -
Dharmapuri Section),
Dharmapuri District.

4.The Project Director (NH 844) National
Highways Authority of India PIU-
Krishnagiri,
259/1, Salem Main Road,
Near KAKC Petrol Bunk,
Krishnagiri District.

... Respondents



Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent authorities to release the excess land acquired from the petitioner and issue award acquired land viz., partition deed and also NOC in respect of the said excess land measuring 17.5 cents comprised in S.No.21/2, New S.No.21/2B, Erranahalli Village, Palacode Taluk, Dharmapuri District based on the petitioner representation dated 12.12.2022.

For Petitioner	: Mr.R.Ramesh Raja
For R1 to R3	: Mr.C.Jayaprakash, Government Advocate
For R4	: Mr.Sagaarladda

ORDER

The relief sought for in the present writ petition is to direct the respondents to release the excess land measuring 17.5 cents comprised in S.No.21/2, New S.No.21/2B, Erranahalli Village, Palacode Taluk, Dharmapuri District, acquired from the petitioner and issue partition deed and NOC in respect of the said land based on the representation dated 12.12.2022 submitted by the petitioner.



WEB COPY

2. It is not in dispute that the land belonged to the petitioner was acquired by the Government for public projects. The compensation to be paid has already been determined and the learned counsel for the 4th respondent / the National Highways Authority of India made a submission that the quantum of compensation determined by the authorities were transferred to the the Land Acquisition Officer, who in turn has to disburse the amount to the land owners.

3. The learned Government Advocate appearing on behalf of the 1st to 3rd respondents / the Land Acquisition Officer, has brought to the notice of this Court that the amount of compensation given by the 4th respondent / National Highways Authority of India has already been disbursed in the Civil Court, since there was dispute between the petitioner and his family members, a Civil Suit has been instituted in O.S.No.128 of 2019 on the file of the Sub-Court, Palakode. Regarding the re-conveyance of the acquired land, High Court cannot grant the relief by directing the authorities. Re-conveyance is to be made only if any policy decision has been taken not to utilize the land or otherwise. The Government is empowered to utilize the acquired land even for public or other purposes, if they have decided to do so.



WEB COPY

4. Thus, the relief as such sought for in the present writ petition for re-conveyance of the land is not entertainable. As far as the payment of compensation is concerned, the petitioner is at liberty to resolve the issues in the Civil Suit and after disposal of the Civil Suit, the parties are at liberty to withdraw the compensation already deposited by the Land Acquisition Officer.

5. With these observations, the writ petition stands dismissed. Consequently, the connected miscellaneous petitions are Closed. No costs.

14.07.2023

skr

Index : Yes

Speaking order

Neutral Citation : Yes



To

1. The District Collector,
Collectorate Office,
Dharmapuri District.
2. Competent Authority / Special District Revenue Officer –
Land Acquisition National Highways – 844,
(Hosur – Royakottai – Dharmapuri Section),
Dharmapuri District.
3. The Special Tahsildar Land Acquisition
National Highways – 844
(Hosur – Royakottai - Dharmapuri Section),
Dharmapuri District.
4. The Project Director (NH 844) National
Highways Authority of India PIU - Krishnagiri,
259/1, Salem Main Road,
Near KAKC Petrol Bunk,
Krishnagiri District.



WEB COPY

W.P.No.5576 of 2023



S.M.SUBRAMANIAM, J.

skr

W.P.No.5576 of 2023

14.07.2023