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W.P.No.22373 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.22373 of 2021
and WMP.Nos.23618 of 2021 &33015 of 2022

Mrs.M.Kasthuri

... Petitioner

-Vs-

1. The Special Tahsildar (Land Acquisition),
Chennai - Kanyakumari Highways Scheme,
7/2, Sangu Theertham Street,
Mannargudi.
2. The District Collector,
Thiruvavarur District.
3. The Special District Revenue Officer (Land Acquisition),
Chennai - Kanyakumari Industrial Corridor Project,
Kumbakonam - 612 001.
4. Ashokan
5. Gounthaman
6. Mrs.K.Uma Alias Umayal
7. Mrs.C.Prema

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India
praying for the issuance of a Writ of Mandamus, directing the
respondents respondents herein to deposit the compensation amount as
mandated under Section 22(3) of the Tamil Nadu Highways Act, 2001.



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For Petitioner : Ms.K.Swetha
For Respondents : Mr.P.Sathish
Additional Government Pleader
[R1 to R3]
Mr.R.Devaraj [R4]

ORDER

The prayer sought for herein is for a writ of mandamus directing the respondents herein to deposit the compensation amount as mandated under Section 22(3) of the Tamil Nadu Highways Act, 2001.

2. Insofar as the land having been acquired for the purpose of Tamil Nadu Highways Department under the provisions of the Tamil Nadu Highways Act, 2001, the compensation has not been deposited within the meaning of Section 22(3) of the Tamil Nadu Highways Act, 2001, therefore, the petitioner has moved the present writ petition.

3. When this writ petition is taken up for final hearing Mr.P.Sathish, learned Additional Government Pleader appearing for the official respondents 1 to 3 has submitted that, the compensation amount has already been deposited and in this regard, he relied upon paragraph 13 of the counter affidavit filed by the official respondents, which reads



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thus:

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"Under these circumstances, it is humbly submit that the compensation amount as mandated under Section 22(3) of the Tamil Nadu Highways Act, 2001 is deposited into the Special D.R.O's account at Kumbakonam."

4. Therefore, the learned Additional Government Pleader would submit that the amount has already been deposited in the Special DRO's account at Kumbakonam as per Section 22(3) of the Tamil Nadu Highways Act, 2001, hence, the prayer sought for in this writ petition, since has been accomplished, the writ petition can be disposed of accordingly, he contended.

5. Ms.K.Swetha, learned counsel for the petitioner as well as Mr.R.Devaraj, learned counsel appearing for the private respondents made respective submissions stating that, in view of the said deposit having been made, who is entitled to get back the amount or to withdraw the amount can be decided in a suit already been filed before the concerned Civil Court and accordingly, the parties can work out their remedy, they submitted.

6. Insofar as this controversy is concerned, as to who is entitled get



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the compensation, if the petitioner or the private respondents, this Court do not want to go into the controversy as the issue raised in this writ petition cannot be decided by this Court.

7. Hence, by recording the said development, where the amount has been deposited as stated by the respondents in paragraph 13 of the counter affidavit, this Court wants to dispose of this writ petition and accordingly, the following orders are passed:

Since the prayer sought for in this writ petition has been accomplished as stated supra, this writ petition is disposed of, however, this Court has not expressed any of its view with regard to the entitlement of withdrawing the said compensation deposited either by the petitioner or by the private respondents, which can be decided between them based on the *inter se* dispute before the concerned Civil Court.



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With this observation, this writ petition is disposed of. No costs.

Connected miscellaneous petitions are closed.

05.01.2023

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No

mp

To

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R. SURESH KUMAR, J.

mp

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