



W.P.No.30452 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.30452 of 2023
and
W.M.P.No.30063 of 2023

P.Shanmugam

... Petitioner

Vs.

1.The Land Acquisition Officer &
Revenue Divisional Officer,
Mettur & Post,
Salem District.

2.The Secretary,
S.777, Nangavalli Primary Agricultural
Co-operative Credit Society Ltd.,
Nangavalli & Post,
Salem-636 454.

(R3 dismissed. vide order dated 30.10.2023)

...Respondents

Prayer:-Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, praying to direct the first respondent to pay the entire compensation amount determined and payable to the petitioner in Roc. No.2203/2019/E dated 31.08.2023 and Award No.14/2013 by withdrawing the same from the file of the third respondent.



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For Petitioner : Mr.S.Kamadevan

For Respondents : Mr.P.Gurunathan, AGP

ORDER

This Writ Petition has been filed by the petitioner to direct the first respondent to pay the entire compensation amount determined and payable to him in Roc. No.2203/2019/E dated 31.08.2023 and Award No.14/2013 by withdrawing the same pending disposal of the above Writ Petition.

2. Heard Mr.S.Kamadevan, learned counsel for the petitioner and Mr.P.Gurunathan, learned Additional Government Pleader appearing on behalf of the respondents 1 and 2.

3. The learned counsel for the petitioner submitted that after passing of the Award, the first respondent herein, without any consideration of the fact, had deposited the compensation amount before the Principal District Court, Salem, instead of tendering the payment to the Writ Petitioner. Hence, the present Writ Petition.



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4. When there is no land dispute, it is the duty of the Acquisition Officer to tender the compensation amount to the land owner, unless if the land owner failed to receive the said amount or any other claimant made objections regarding the title of the land, then they have to refer the same to the Civil Court and shall deposit the amount to the credit of the Court and thereafter, the parties shall be directed to adjudicate before the Civil Court for their entitlement. However, in this case, neither there is any dispute, nor any rival claimants, regarding the title and ownership of the property. In spite of the same, the first respondent herein had deposited the compensation amount before the Principal District Court, Salem, which is illegal.

5. In the counter affidavit, the second respondent had stated about the attachment for the surcharge proceedings, but the said attachment order has been set aside by the Hon'ble Division Bench of this Court. As per the reference made by the respondents as stated in their counter, regarding attachment of the property, this Court is of the view that, as on the date of passing of the Award, there was no attachment and therefore, the respondents ought to have paid the



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compensation amount to the Writ Petitioner, since he is the owner of the subject property. Hence, the respondents depositing the compensation amount before the Civil Court without any title or dispute, is illegal.

6. Further in the counter, the respondents have stated that the petitioner had misappropriated the funds of the second respondent/ Society, while he was in-charge as President of the said society and during the surcharge proceedings, it was found that he had misappropriated a sum of Rs.3,63,38,199/-. Subsequently, execution proceedings were initiated and larger extent of the subject lands are attached during the acquisition proceedings. However, the order passed by the Hon'ble Division Bench of this Court clearly states that the attachment is set aside on the ground of violation of Principles of Natural Justice. The fact however remains that there is a dispute pending regarding misappropriation of funds by the petitioner and he has also challenged the surcharge proceedings and sale before this Court.

7. Though the surcharge proceedings are pending against the petitioner, since the land dispute has been finalized and the first



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respondent, based on the representation given by the second respondent, had deposited the entire compensation amount before the Principal District Court, Salem, the petitioner is at liberty to approach the concerned Civil Court and work out his remedy in the manner known to law.

8. With the above direction, the Writ Petition is disposed of. Consequently, the connected Miscellaneous Petition is closed. There shall be no order as to costs.

17.11.2023

Index: Yes/No
Order: Speaking/Non-Speaking
NCC : Yes/No

DP

To

- 1.The Land Acquisition Officer &
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Salem District.
- 2.The Secretary,
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P.VELMURUGAN, J.

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