



W.P.No.31329 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 24.11.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE P.VELMURUGAN**

**W.P.No.31329 of 2023**

**and**

**WMP.No.30957 of 2023**

K.Duraisamy

...

Petitioner

/vs/

- 1.The District Collector,  
District Collector Office,  
Collectorate Campus,  
Tiruppur – 641 604.
- 2.The Special Tahsildar (LA),  
National Highways – 209,  
No.66, CM Towers,  
Palani Main Road,  
Udumalpet – 642 128.
- 3.The Project Director,  
National Highways Authority of India,  
No.11/1, Kongu Nagar East,  
Ramanathapuram, Coimbatore-641 045.
- 4.The Special District Revenue  
Officer (LA-NH)  
National Highways – 209,  
No.567, APJ Abdul Kalam Street,  
Chennamanayakkanpatti Post,  
Dindugal – 624 001.



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5. Assistant Divisional Engineer,  
National Highways – 209,  
No.66, CM Towers,  
Palani Main Road,  
Udumalpet – 642 128.

...

Respondents

**PRAYER :** The writ petition has been filed under Article 226 of the Constitution of India to issue a Certiorarified Mandamus to call for the records and quash the impugned proceedings in Na.Ka.No.4 /2018/A dated 11.10.2023 passed by the 2<sup>nd</sup> respondent and thereby direct the respondents to disburse the compensation amount of Rs.7,27,955/- as awarded pertaining to acquisition of the petitioner's land in survey No.48/6 to the petitioner as early as possible within the time frame that may be stipulated by this Hon'ble Court.

For Petitioner

... Mr.S.Lakshmi Narayanan

For Respondent  
Nos.1, 2, 4 and 5

... Mr.P.Gurunathan  
Additional Government Pleader

For Respondent  
No.3

... Mr.Su.Srinivasan  
Standing Counsel for NHAI

### **ORDER**

The writ petition has been filed to issue a Writ of Certiorarified Mandamus to call for the records and quash the impugned proceedings in Na.Ka.No.4 /2018/A dated 11.10.2023 passed by the 2nd respondent and



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thereby direct the respondents to disburse the compensation amount of Rs.7,27,955/- as awarded pertaining to acquisition of the petitioner's land in Survey No.48/6.

2.The case of the writ petitioner is that the land acquisition proceedings were initiated in Survey No.48/5, measuring an extent of 190 sq. metres and Survey No.48/6, measuring an extent of 807 sq. metres by the National Highways Department and for the said acquisition, the compensation amounts were awarded to a sum of Rs.1,71,390/- and a sum of Rs.7,27,955/- respectively and the petitioner had received the compensation amount of Rs.1,71,390/- in respect of the land in Survey No.48/5, but in respect of the land in Survey No.48/6, the compensation amount has not yet been paid.

3.The learned counsel appearing for the petitioner submitted that in respect of the land acquisition, the respondents neither paid the compensation nor deposited the same in the Court. Originally the property belonged to the petitioner's mother. After her death, the sisters of the



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petitioner had executed a Release deed dated 05.05.2008, thereafter, the petitioner has got title over the property. Subsequently, it was sub-divided as S.Nos.48/5 & 48/6. Hence, the petitioner alone is entitled to get the compensation of the entire Survey Nos.48/5 & 48/6. Though the respondents accepted the claim of the petitioner in respect of Survey No.48/5, they refuted the claim of the petitioner in respect of Survey No.48/6 and did not pay the compensation amount. Therefore, the present writ petition has been filed.

4.Despite sufficient opportunity having been given to the respondents, they have not filed their counter affidavit. However, the learned Additional Government Pleader orally submitted that the land is Government Poromboke land and the petitioner is an encroacher. In this regard, the respondents neither produced any Revenue Records nor filed their counter affidavit.

5.Under the above circumstances, the second respondent is directed to issue notice to the petitioner and other rival claimants if any, to produce



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all the records, thereafter, he shall conduct an enquiry. If the 2nd respondent is satisfied with the title of the writ petitioner, he is directed to disburse the compensation amount of Rs.7,27,955/- in respect of Survey No.48/6 to the petitioner within a period of two months from the date of receipt of a copy of this order. No further time will be granted, since the petitioner is waiting from the year 2018, failing which, the second respondent has to face further consequences. In case, there is any dispute with regard to the title of the writ petitioner or if the petitioner is not satisfied with the compensation amount, the 2nd respondent shall deposit the amount before the civil Court and the parties are at liberty to approach the Civil Court for redressal of their grievance.

6.With the above directions, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Index : Yes/No  
speaking order: Yes/No  
Neutral Citation: Yes/No  
sms

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To

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**P.VELMURUGAN,J.**

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