



W.P.No. 34195 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **11.12.2023**

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.34195 of 2023

and

WMP.No.34073 of 2023

T.K.S.Pugazhendhi

... Petitioner

Versus

1.The Special Tahsildar (LA) -Unit -IV

Chennai Peripheral Ring Road Project,
No.6, First Floor, Lalbhadur Sastri Street,
Periyakuppam, Tiruvallur-602 101.

2.The Special District Revenue Officer (LA),

Chennai Peripheral Ring Road Project,
Ambattur (SIDCO Project Office Complex),
Ambattur Industrial Estate
Chennai – 600 058.

3.E.Anjali

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the 1st and 2nd respondents to make payment of the sum of Rs.42,45,717/- to the petitioner being the half share of the compensation amount payable in respect of the lands comprised in Survey No.109/4B acquired from the petitioner and withheld by the 1st and 2nd respondents.

For Petitioner : Mr. J.Prageetha
for ARK Law Associates

For Respondents : Mr. P.Gurunathan,
Additional Government Pleader.



W.P.No. 34195 of 2023

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ORDER

This Writ Petition is filed seeking a direction to the first and second respondents to make payment of the sum of Rs.42,45,717/- to the petitioner being the half share of the compensation amount payable in respect of the lands comprised in Survey No.109/4B acquired from the petitioner and the same was withheld by them.

2. The case of the petitioner is that he purchased the lands comprised in S.No.106/2A Part, ad-measuring an extent of HA.0-83.50 Ares, S.No.106/2B1, ad-measuring an extent of HA. 0.41.50 Ares and S.No.109/4B ad-measuring and extent of HA.0.26.00 Ares, situated in No.52, Ikkadu – B (Ikkadu Kandigai) Village, Tiruvallur Taluk, Tiruvallur District along with another parcel of land comprised in S.No.89/2B and the same was registered by a Sale Deed dated 24.05.2013 before the Sub-Registrar Office, Tiruvallur District. While being so, on 08.09.2020, a public notice was published for acquisition of the said lands by the Tamil Nadu Highways Department, under Section 15(2) of the Tamil Nadu Highways Act, 2001. Thereafter, the Commissioner of Land Administration, Chennai and the second respondent herein had passed an



W.P.No. 34195 of 2023

Order No.2 of 2021, dated 29.10.2021 fixing the compensation payable to the petitioner for the said lands at Rs.2,02,12,877/-, but the petitioner received only a sum of Rs.1,17,21,444/- and the balance sum of Rs.84,91,433/- relating to S.No.109/4B, the first respondent sent a letter dated 12.08.2023 requested the petitioner to submit the relevant documents within 15 days or the said amount would be deposited into the Civil Court, by stating the reason that since the third respondent herein had filed a suit in O.S.No.167 of 2008 before the Sub-ordinate Court, Tiruvallur, claiming that she is having half of the share in the the said S.No.109/4B. Therefore, the petitioner made a representation dated 21.08.2023 to the first respondent, stating that even if the third respondent succeeds, only 50% of the share will go to her, but, the same was not considered. Hence, the petitioner made another representation to the second respondent, since the first respondent did not consider his request. The second respondent has also kept pending the request of the petitioner and not paid the compensation. Hence, the Writ Petition.

3. The main contention of the learned counsel for the petitioner is that though the authority had given the money for the acquisition of lands



W.P.No. 34195 of 2023

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of the petitioner, except the land in S.No.109/4B, they refused to grant the compensation, by citing that there is a civil dispute is pending. Further, the learned counsel for the petitioner submitted that though the third respondent filed a suit in O.S.No.167 of 2008 on the file of the Sub-Ordinate Court, Tiruvallur Distirct for claiming half of the share in the said property in question. So, the prayer itself reveals that she is only entitled for the half of the share in the land in question. Therefore, the petitioner filed the present writ petition for the said relief.

4. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the first and second respondent and perused the materials available on record.

5. On a perusal of the records, this Court is not in agreement with submissions of the learned counsel for the petitioner, since a civil suit is pending with regard to the rights of the property, and which was filed by the third respondent in respect of the land in question comprised in S.No.109/4B, therefore, at this stage, it can be decided before the Civil Court and the quantum of share will also be decided in the Civil suit.



W.P.No. 34195 of 2023

Moreover, the petitioner has come up with the same prayer sought for in this writ petition as the third respondent claimed in the civil suit. Therefore, the Authorities are directed to deposit the compensation amount before the Civil Court.

6. Under such circumstances, the petitioner as well as the third respondent are directed to work out their remedy before the Civil Court in the pending civil suit.

7. With the above observation and direction, the Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is also closed.

11.12.2023

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

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W.P.No. 34195 of 2023

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