



W.P. (MD).Nos.472, 475 of 2020 and 1774 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 29.11.2023

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD).Nos.472, 475 of 2020 and 1774 of 2021
and W.M.P(MD)Nos.352, 353, 355, 356 of 2020 and 1507 of 2021

Bhuvaneshwari

... Petitioner in W.P(MD)No.472 of 2020

M.P.R.Malayandi@ Ashok

... Petitioner in W.P(MD)No.475 of 2020

Ravichandran. T @ Annaikutty

... Petitioner in W.P(MD)No.1774 of 2021

Vs

1. The District Collector,
Madurai District.
2. The Competent Authority/
Special District Revenue Officer,
Madurai Land Acquisition, NH 785, 785E and 85,
Madurai District District Collectorate,
Madurai.
3. The Project Officer,
National Highways,
Madurai Natham Highway Project,
Lake Area Madurai.
4. T.Ravichandran



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5. S.Amutha

6. S.Thavatamil

7. S.Tamilmani

... Respondents in W.P(MD)Nos.472, 475 of 2020

1. The District Collector

The District Collector, Madurai.

2. The Authorized Officer,

and Special District Revenue Officer,

O/o.The Authorized Officer and Special

District Revenue Officer, Madurai.

3. The Tahsildar,

O/o.The Tahsildhar, Madurai South,

Madurai.

4. M.P.R.Malayandi @ Ashok

... Respondents in W.P(MD)No.1774 of 2021

Prayer in WP(MD)No.472 of 2020: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to calling for the records pertaining to the impugned order passed by the 2nd respondent, dated 25.09.2019 in Na.Ka.No.26714/2018/P3 and orders, dated 03.10.2019 in Na.Ka.no. 249/2019/A1 and quash the same and consequently direct the 2nd respondent to disperse the compensation amount to the petitioner towards the acquisition of the properties comprised in S.No.3/3B, situated in Kavanoor village, Madurai North Taluk, Madurai District.



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Prayer in WP(MD)No.475 of 2020: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 2nd respondent dt 25.9.2019 in Na.Ka.no. 26714/2018/P3 and orders, dated 03.10.2019 in Na.Ka.no.249/2019/A1 and quash the same and consequently direct the 2nd respondent to disburse the compensation amount to the petitioner towards the acquisition of the properties comprised in S.No. 56/1, 57/1A, 57/4A, 57/5A, 59/1B, 59/6B, 59/9B, 59/10A, 60/5A1, 7/6A, situated in Peryapatti village, Manthikulam village and Kavanoor village, Madurai North Taluk, Madurai District.

Prayer in WP(MD)No.1774 of 2021: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in Na.Ka.No.Aa1/1094/2021 dt 08.01.2021 passed by the respondent no.2 and quash the same as illegal and consequently direct the respondent No.2 not to disburse the land compensation amount to the respondent No.4 for acquiring the land in Survey No.69/3 to an extent of 700 square meter at Manthikulam Village, Madurai North, Madurai for constructing a laying of road.

In W.P(MD) Nos.472, 475 of 2020

For Petitioners	: Mr.N.S.Karthikeyan
For Respondents	: Mr.A.K.Manikkam (R1-2) Special Government Pleader Mr.S.Sankarapandian (R3) Mr.S.M.A.Jinnah (R4)



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In W.P(MD) No.1774 of 2021:

For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.A.K.Manikkam (R1-3)
Special Government Pleader
Mr.Ramsundar Vijayaraj (R4)

COMMON ORDER

The issues involved in all these writ petitions are common and hence, they are taken up together, heard and disposed of through this common order.

2.The petitioners have challenged the impugned proceedings of the second respondent dated 25.09.2019 and 03.10.2019 wherein, the second respondent has come to a conclusion that the *inter se* rights between the parties is pending before the competent Civil Court and hence, till the rights are determined and final Judgment and Decree is passed, the compensation amount could not be paid. Accordingly, the compensation amount was deposited on the file of learned Principal District Judge, Madurai.



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3.When these writ petitions were taken up for hearing, it was brought to the notice of this Court that the civil proceedings that were pending in O.S.No.224 of 2007 and in S.A.No.1840 of 2003 have been disposed of through Judgment and Decree, dated 14.11.2022 and 19.06.2023 respectively. In view of the same, the parties are now at liberty to withdraw the amount, which is lying on the file of learned Principal District Judge, Madurai.

4.In view of the above development, it is not necessary to go into the legality or otherwise of the impugned orders that have been put to challenge. It will suffice, if the petitioners in W.P(MD) Nos.472 and 475 of 2020 are permitted to withdraw the amount that is lying on the file of the learned Principal District Judge, Madurai. It is left open to the petitioners to file an appropriate application before the learned Principal District Judge, Madurai and the same shall be entertained and the petitioners shall be permitted to withdraw the amount. This process shall be completed by the learned learned Principal District Judge, Madurai within a period of four weeks from the date of receipt of copy of this order.



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5. On going through the impugned order, dated 08.01.2021, which is the subject matter of challenge in W.P(MD) No.1774 of 2021, it is seen that there is no indication that the amount was deposited before the learned Principal District Judge, Madurai. The order only states that the amount is payable to the Andammal Annadanam Trust, since the patta stands in the name of the Trust. Therefore, if the amount has not been deposited in the Court till date, there shall be a direction to the second respondent to disburse the amount to the Managing Trustee of the Trust. If this amount is deposited in the Court, it is left open to the Managing Trustee to file an application and seek for disbursement of the amount deposited.

6. If, in case the amount is not deposited, the same shall be paid by the second respondent to the Managing Trustee of the trust within a period of four weeks from the date of receipt of copy of this order. If it is deposited in Court, an application shall be filed by the Managing Trustee of the trust before the learned Principal District Judge, Madurai and the same shall be entertained by the learned Principal District Judge, Madurai and permission shall be granted to withdraw the amount. This



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process shall be completed by the learned Principal District Judge, Madurai within a period of four weeks from the date of filing of application by the Managing Trustee of the Trust.

7. Accordingly, all these writ petitions are disposed of in the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

29.11.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
PNM

To

1. The Principal District Judge, Madurai
2. The District Collector,
Madurai District.
3. The Competent Authority/
Special District Revenue Officer,
Madurai Land Acquisition, NH 785, 785E and 85,
Madurai District District Collectorate,
Madurai.
4. The Project Officer,
National Highways,
Madurai Natham Highway Project,
Lake Area Madurai.



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N.ANAND VENKATESH, J.

PNM

**COMMON ORDER IN
W.P. (MD).Nos.472, 475 of 2020 and 1774 of 2021
and W.M.P(MD)Nos.352, 353, 355,
356 of 2020 and 1507 of 2021**

29.11.2023