

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.03.2023

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

WP(MD)No.2752/2020

Santhiyagu Swaminathan

... Petitioner

Vs.

1.The District Collector,
Dindigul District, Dindigul

2.The Competent Authority cum
Special District Revenue Officer (Land Acquisition),
Dindigul

3.The Special Tahsildar (Land Acquisition),
Bye-pass Road including NH.07 & NH.209,
Dindigul, Ottanchathiram,
Pollachi National Highway, Dindigul

4.Selvi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus forbearing the second and third respondents from giving compensation for the acquisition of the land bearing S.No. 34/1A to an extent of 2 acres 29 cents situated at Kasavanampatti Village, Dindigul West Taluk, Dindigul District to the 4th respondent herein, based on the petitioner's representation dated 07.06.2019 made to the second respondent.

For Petitioner : No appearance

For Respondents : Mr.A.Sivanupandian,
Government Advocate
for R1 to R3

Mr.N.S.Karthikeyan for R4

ORDER

The above writ petition has been filed by the petitioner seeking to issue a mandamus forbearing the respondents 2 and 3 from giving compensation in respect of the lands acquired, which are comprised in S.No.34/1A measuring an extent of 2 acres and 29 cents to the fourth respondent herein, based on the petitioner's representation dated 07.06.2019.

2. The petitioner would submit that the land in question was assessed under UDR Patta No.755 and was bearing old S.No.34/1. Along with the above property, another extent of 1 acre 89 cents comprised in S.No.34/1A was owned by the petitioner's great grandmother Sirumaniammal. On her demise, the petitioner's father has been enjoying the said land through inheritance and thereafter, the

petitioner without hindrance from anybody. It is his contention that the land bearing S.No.34/1 was fully owned by him. He has filed a suit which was dismissed against which he has preferred AS.No.33/2018, which is pending on the file of the Principal Sub Court, Dindigul.

3. It was further the case of the petitioner that in order to form four way and six way lanes from Kamalapuram to Ottanchathiram in Dindigul District, the land in S.No.34/1A was sought to be acquired by the third respondent herein on the directions of the second respondent. Objections were invited by the third respondent by proceedings in Na.Ka.No. 14/19/A1 dated 27.09.2019. The petitioner was asked to appear with all the relevant documents. The petitioner has appeared and submitted his objections in the form of representation dated 07.06.2019. In the objections, the petitioner had made it clear that except for the aforesaid land, the petitioner did not own any other land. The petitioner would submit that after he has made his representation, he came to understand that one Selvi had made a request that the compensation be granted to her. She has been arrayed as the fourth respondent in this writ petition.

The representation dated 07.06.2019 is yet to be considered. Therefore, this writ petition.

4. When the matter was listed on 10.03.2023, none appeared for the petitioner. Today also, there is no representation for the petitioner. However, the fourth respondent has submitted a copy of the Judgment and Decree in OS.No.321/2007 on the file of the Principal District Munsif Court, Dindigul. A perusal of which would indicate that the petitioner herein had filed the above suit for a partition of his 1/4th share in 1/8th share and to declare the sale deed dated 24.03.1981 as null and void and for an injunction restraining the 14th defendant from interfering with his peaceful possession and enjoyment of the suit schedule property. The suit has been filed both by the petitioner herein and one Loorthsamy Miller, s/o. Late Antony. The said suit was dismissed with costs to the 14th defendant, who is none other than the fourth respondent herein. Against this Judgment, the petitioner herein has filed AS.No.53/2013, which is now pending on the file of the Principal District Court, Dindigul.

5. Considering the fact that even in the suit, the petitioner has only claimed 1/4th share in 1/8th share, the second and third respondents shall, in the event of their granting compensation in respect of the lands measuring 2 acres and 29 cents comprised in S.No.34/1A, Kasavanampatti Village, Dindigul West Taluk, Dindigul District, deposit the share of the petitioner as aforesaid into an interest bearing fixed deposit, which amount shall await the result of AS.No.53/2018 on the file of the Principal District Court, Dindigul. The remaining amount can be disbursed to the beneficiaries, on their providing proof therefor.

6. Accordingly, this writ petition is disposed of. No costs.

23.03.2023

NCC:Yes/No
Index:Yes/No
Speaking/Non-speaking order

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P.T.ASHA, J.

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To

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Dindigul District,
Dindigul
- 2.The Competent Authority cum
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