



W.P(MD)No.1708 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1708 of 2023

Devikumari

... Petitioner

Vs.

1.The Competent Authority – Cum -
Special District Revenue Officer,
Land Acquisition,
National Highways No.49,
Ramanathapuram District.

2.The Special Tahsildar Land Acquisition,
National Highways No.49,
Manamadurai,
Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 20.12.2022 and pass suitable order by directing the respondents not to pay the compensation award amount of Rs.40,00,000/- to the rival claimants in respect of S.No.38/1A2 extent 0.36.00 Ares till the disposal of the Patta Revision Proceedings No.40955 of 2022 pending before the DRO, Sivagangai.



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For Petitioner : Mr.K.Jagadeesan

For Respondents : Mr.B.Saravanan,
Addl. Government Pleader.

ORDER

Heard the learned counsel on either side.

2.The petitioner claims that the petition mentioned lands were acquired under the National Highways Act, 1956 but there are several persons including herself staking claim for receiving the compensation amount. The apprehension of the petitioner is that the authority may disburse the amount to ineligible person. That led to the filing of this writ petition.

3.The petitioner ought to have impleaded the rival parties. She has not done so. However, where there is more than one claimant and there is dispute among them, the authority will have to follow the procedure set out in Section 3H of the National Highways Act, 1956.



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4. With this direction to the first respondent to adhere to Section 3H of the Act, the writ petition is disposed of. No costs.

31.01.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

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National Highways No.49,
Ramanathapuram District.

2. The Special Tahsildar Land Acquisition,
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G.R.SWAMINATHAN, J.

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