



W.P.(MD)No.2678 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 11.10.2023

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.(MD)No.2678 of 2021

V.Babu

.. Petitioner

Versus

1.The District Collector,
Kanyakumari District.

2.The Revenue Divisional Officer,
Padmanabhapuram, Thuckalay,
Kanyakumari District.

3.Murugappan, S/o.Chellappan

4.Krishnan, S/o.Narayanan

.. Respondents

[R3 and R4 impleaded vide order dated 11.10.2023,
made in W.M.P.(MD)No.4397 of 2021]

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents herein to forthwith disburse the payment of due compensation payable to the petitioner for his individual property of 40 cents of land, comprised in Survey No. 468/4A, situated in Thengaipattinam Village, Killiyur Taluk, Kanyakumari District.

For Petitioner : Mr.H.Thayumanaswamy

For R1 and R2 : Mr.A.K.Manikkam
Special Government Pleader

For R3 and R4 : Mr.S.Anwar Sameem



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ORDER

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2. The second respondent has filed the status report in this case and it will be more appropriate to extract the relevant portions in the status report hereunder:-

"2. I respectfully submit that, an extent of 143.630 cents of land comprised in Re.sy.No.468/4A of Thengapattanam Village (erstwhile Painkulam Village) was acquired by the acquisition proceedings (private negotiation) as per District Collector, kanyakumari District Proceedings No.E2/12417/2013 Dated 30.07.2017 for the purpose of approach road to Thengapattanam Fishing Harbour.

3. I respectfully submit that, in the above acquisition proceedings the names of the beneficiaries mentioned are (1) Ajimulla, S/o. Syed Mohammed (2) Thahira Beevi (3) P. Velayuthan (4) K. Muthaiyan (5) P. Subbaiyan (6) P. Chellappan. As per patta no.3138 the land in survey No.468/4A is a joint patta with 30 members.

4. I respectfully submit that, further enquiries were conducted regarding the possession and title of the land and as per documents and field verification compensation amount of Rs.49,13,255 has been



issued to Thiru. Mohammad Ismayil for 20 cents of land in Sy.No. 468/4A and 10.003 cents of land in Sy.No.468/3, compensation amount of Rs.5,72,600 has been issued to Tmt.Thahira Beevi for 3.500 cents of land in Sy.No.468/4A and compensation amount of Rs. 74,07,971 has been issued to Thiru. Ajimulla for 45.281 cents of land in Sy.No.468/4A. As per the above Collector Proceedings balance amount Rs.1,22,74,566.50 (for 66.750 cents) was to be disbursed to (1) P.Velayuthan (2) K.Muthalyan (3) P.Subbaiyan (4) P.Chellappan.

5. I respectfully submit that, in the meantime one Thiru. Krishnan S/o.Narayanan and Leela D/o. Arumugam have given representations stating that the above 66.750 cents of land which was acquired in the above Re.Sy.No.468/4A belonged to 'Arayas' Community as per O.S.No.436/1963 of the District Munsif's Court, Nagercoil and the appellate court judgement and decree in A.S.No. 79/1979 dated 29.04.1981 and requested to scrap the names of the beneficiaries mentioned in the acquisition proceedings (private negotiation) of the District Collector, Kanyakumari District E2/12417/2013 Dated 30.07.2017 and to identify the real beneficiaries who are legally entitled in view of the judgement and decree in O.S.No.436/1963 and O.S.No.250/2010.

6. I respectfully submit that, then the above petitioner Krishnan S/o.Narayanan had filed O.S.No.96/2019 before the Sub Court, Nagercoil impleading (1) District Collector (2) RDO, Padmanabhapuram (3) Assistant Director of Fisheries, Nagercoil (4) V. Shunmugam (5) C. Balakrishnan (6) S.Muthuswamy (7) Viswambaran (8) Babu (9) Shobana (10) Narayani (11) Murugappan



as respondents seeking relief 'A decree to scrape the names of the beneficiaries whose names were mentioned in the land acquisition proceedings of the RDO, Padmanabhapuram, in connection with the areas comprised in Re-Survey No.468/4A of Thengapattanam Village and a direction to the 1st and 2nd defendants to identify the real beneficiaries in view of the judgment and decree in O.S.No.436/1963 of the District Munsif Court, Nagercoil and O.S.No.250/2010 of the District Munsif Court, Kuzhithurai and disburse the compensation amount to the real beneficiaries and a decree for injunction restraining the defendants 1 and 2 from disbursing the compensation amount to the defendants 3 to 10 herein and the alleged beneficiaries mentioned in the land acquisition proceedings of the RDO, Padmanabhapuram, with regard to the Re-Survey No.468/4A of Thengapattanam Village till the identification of in view of the judgement and decree in O.S.No.436/1963 of the District Munsif Court, Nagercoil and O.S.No.250/2010 of the District Munsif Court, Kuzhithurai. Against this the petitioner V. Babu has filed this writ petition.

7. I respectfully submit that, since the above O.S.No.96/2019 before the Sub Court, Nagercoil is still pending, the compensation amount for the above land Rs.1,22,74,566.50 has been deposited in State Bank of India, Kalkulam Branch. After the Civil Court declaration of title and possession the real beneficiaries may be identified and compensation amount may be issued."



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3. The above extracted portion will capture the background facts and the present status of the case. There is a rival claim made over the compensation amount and a suit is pending before the competent Civil Court in O.S.No.96 of 2019. Therefore, the payment of compensation can be made subject to the final result in the suit. In the meantime, the second respondent is directed to deposit the compensation amount in an interest bearing Fixed Deposit for a period of two years. Whoever succeeds in the suit, they can withdraw the compensation amount with accrued interest.

4. This Writ Petition is disposed of with a direction to the learned Subordinate Judge, Nagercoil, to dispose the suit in O.S.No.96 of 2019, within a period of nine months from the date of receipt of a copy of this order. No costs.

NCC : Yes/No
Index : Yes/No
smn2

11.10.2023
(2/2)

Copy to:-

The Sub Judge,
Nagercoil.



W.P.(MD)No.2678 of 2021

To

- 1.The District Collector,
Kanyakumari District.
- 2.The Revenue Divisional Officer,
Padmanabhapuram, Thuckalay,
Kanyakumari District.



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N.ANAND VENKATESH, J.

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