



W.P.(MD)No.5984 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.5984 of 2021

and

W.M.P.(MD).Nos.4687 and 4689 of 2021

S.Nallathambi

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by the Additional Chief Secretary,
Highways and Minor Ports Department,
Secretariat,
Chennai.
- 2.The District Collector,
District Collectorate,
Virudhunagar District,
Virudhunagar.
- 3.The Special District Revenue Officer,
(Land Acquisition Officer),
Sivakasi Ring Road Project,
Virudhunagar District,
Virudhunagar.
- 4.The Special Tahsildhar,
Land Acquisition,
Sivakasi Ring Road Project,
Sivakasi.



W.P.(MD)No.5984 of 2021

5. The Divisional Engineer,
Department of Highways,
Construction and Maintenance Wing,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records in pursuance of the impugned order in Na.Ka.T.No.1/14034/2014 dated 23.10.2020 passed by the third respondent, quash the same and consequently forbear the respondents from acquiring petitioner's land in Survey No.1008 eastern side to the extent of 1 acre out of 3 acres 18 cents is situating at Injar Village, Sivakasi Taluk, Virudhunagar District for the formation of Sivakasi Ring Road Project by considering his objections dated 09.09.2020 within the period stipulated by this Court.

For Petitioner : Mr.S.Selvakumar

For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the proceedings of the third respondent dated 23.10.2020 and for a consequential direction to forbear the respondents from acquiring the land in Survey No.1008 to an extent of 1 acre situated at Injar Village, Sivakasi Taluk, Virudhunagar District.



W.P.(MD)No.5984 of 2021

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2. The respondents proceeded to take action to acquire the property belonging to the petitioner under the Tamil Nadu Highways Act. Accordingly, a notification was issued and published in the daily newspaper on 20.08.2020. The petitioner sent his objections on 09.09.2020 to the respondents 2 and 3. The third respondent through proceedings dated 23.10.2020 rejected the claim made by the petitioner on the ground that the petitioner did not submit any documents to prove his ownership in the property. The same has been put to challenge in the present Writ Petition.

3. The fifth respondent has filed a counter affidavit. The fifth respondent has taken a stand that the property in question belongs to Kasthuri, Jokin Antony, Ilaiyaperumal, Pushpalatha, Palanikumar and Muthumari and the petitioner has no right or title over the property. Even in the revenue records, the names of the third parties alone are found. Hence, it was informed to the petitioner that the objections given by the petitioner cannot be considered and the petitioner has to submit the relevant documents to prove his ownership. In view of the same, the objections submitted by the petitioner were rejected.



W.P.(MD)No.5984 of 2021

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4. The learned counsel for the petitioner submitted that there is a genuine dispute with regard to the right and title over the property. That apart, the petitioner is more interested in getting the compensation from the respondents and he is not seriously opposing the acquisition proceedings initiated by the respondents. The learned counsel submitted that since the acquisition proceedings are pending, the petitioner is not in a position to institute any suit to establish his right and title over the subject property.

5. Per contra, the learned Additional Government Pleader appearing on behalf of the respondents submitted that the revenue records stand in the name of some third parties and they have expressed their intention, not to oppose the acquisition proceedings. The learned Additional Government Pleader further submitted that no substantial progress was made since in a connected Writ Petition, interim stay has been granted with respect to the particular village and therefore, the respondents are not in a position to proceed further with the acquisition under the Tamil Nadu State Highways Act.

6. In the considered view of this Court, both the petitioner and the rival claimants are not interested in questioning the acquisition proceedings and they



W.P.(MD)No.5984 of 2021

are interested in getting compensation for the lands. Admittedly, the revenue records stand in the names of the third parties and according to the petitioner, those third parties do not have any right over the property.

7. The Tamil Nadu Highways Act, 2001 itself gives a solution for this dispute. Section 21 of the Act states that where several persons are claiming to be interested in the compensation amount, it will be left open to the District Collector to determine the person in whose favour the compensation amount must be paid. If the District Collector is not in a position to take a decision, he can always refer such dispute for the decision of a competent civil Court. Hence, at the relevant point of time, notice shall be served both on the petitioner as well as the third parties in whose names the revenue records stand. If the District Collector is not able to take a decision with respect to the apportionment of compensation due to serious dispute in title, it will be left open to the District Collector to refer the dispute to the Civil Court. Thus, the claim for compensation can be properly adjudicated at the relevant point of time. This will sufficiently take care of the interest of the petitioner as well as the rival claimants. Except giving this clarity, no further orders can be passed in this Writ Petition.



W.P.(MD)No.5984 of 2021

8. This Writ Petition is disposed of accordingly. No costs. Consequently,

connected miscellaneous petitions are closed.

07.12.2023

NCC:yes/no

Index:yes/no

Internet:yes/no

Nsr

To

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The State of Tamil Nadu,
Highways and Minor Ports Department,
Secretariat,
Chennai.

2.The District Collector,
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Virudhunagar District,
Virudhunagar.

3.The Special District Revenue Officer,
(Land Acquisition Officer),
Sivakasi Ring Road Project,
Virudhunagar District,
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W.P.(MD)No.5984 of 2021

N.ANAND VENKATESH, J.

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W.P.(MD)No.5984 of 2021

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