



W.P.(MD)No.5224 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.5224 of 2020

and

W.M.P.(MD).Nos.4566 and 4567 of 2020

Basha

... Petitioner

Vs.

1.The Authorised Officer and
Special District Revenue Officer,
(Land Acquisition) NH-785,
Door No.11 A,
Indira Nagar,
Chenamanayakanpatti,
Dindigul – 4.

2.The Project Director,
National Highways – 785,
K.K.Nagar,
Madurai – 625 020.

3.The Tahsildar,
(Land Acquisition),
Natham Taluk,
Dindigul District.

4.Bazeer

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 26.12.2019 in Na.Ka.No.09/2018/A3 passed by the



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first respondent and quash the same and consequently to direct the first respondent to disburse the compensation amount for the northern 7 Cents in R.S.No.299 / 1A16 in Ayan Pudur Village, Natham Taluk, Dindigul District to the petitioner.

For Petitioner : Mr.B.Jameel Arasu
For R-1 and R-3 : Mr.A.K.Manikkam
Special Government Pleader
For R-2 : Mr.S.SankaraPandian
For M/s.C.Arulvadivel Associates
For R-4 : Mr.Sarvagan Prabhu

ORDER

This Writ Petition has been filed challenging the impugned proceedings of the first respondent dated 26.12.2019 and for a consequential direction to the first respondent to disburse the compensation amount to the petitioner.

2. When the Writ Petition came up for hearing on 25.11.2021, this Court passed the following order:

“A suit had been filed by the writ petitioner, claiming that two Hiba documents executed by the father of the writ petitioner in favour of the contesting third respondent, should be set aside as null and void. It is claimed that the suit which was pending before the Sub-Court, Dindigul, had been decreed in favour of the writ petitioner herein, thereby setting aside the said documents/gift deeds.



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2. *It is therefore claimed by the learned counsel for the petitioner, that the writ petitioner had acquired the title over the property and consequently should receive the entire compensation amount payable for acquisition of lands.*

3. *This position is disputed by the learned Counsel for the fourth respondent, who claims that the decree obtained was an ex parte decree and an application has also been filed to set aside the said decree.*

4. *There is yet another suit before the District Munsif Court at Natham, which had been filed by the fourth respondent for declaration that the fourth respondent herein alone is entitled for declaration of title with respect to the entire property. In effect, the fourth respondent herein seeks an affirmation of the execution of the two Hiba documents granted in his favour.*

5. *It will only be appropriate that the learned counsels apply their minds to the decree already passed by the Principal Sub Judge and if it is an ex-parte decree, take steps in accordance with law and if it is not an ex-parte decree, again take necessary steps in accordance with law.*

6. *Till a solution is arrived at by the Civil Court or, if the parties think it is prudent that they could settle the issues between themselves, the issue relating to compensation can never be examined.*

7. *I am informed that the compensation has been deposited in a Nationalised Bank and is earning interest.*



To that extent, atleast the parties are protected and longer the dispute remains the higher is the amount of interest, which they will get.

8. Mr.S.Kameswaran, learned Government Advocate, appears for respondents 1 and 3. Mr.Arul Vadivel @ Sekar, learned Counsel, appears for the second respondent.

9. Call the matter on 14.12.2021.”

3. When the Writ Petition was taken up for hearing today, it was brought to the notice of this Court that the exparte decree has been set aside and that the suit filed by the writ petitioner as well as the suit filed by the fourth respondent in O.S.Nos.724 of 2018 and 450 of 2022 respectively is now jointly tried by the Additional Sub Court, Dindigul. In view of the same, it will suffice if a direction is issued to the Trial Court to complete the proceedings in a time bound manner. Subject to the result of the civil proceedings, it will be left open to the parties to revive their claims for payment of compensation before the first respondent.

4. In the result, this Writ Petition is disposed of with a direction to the Additional Sub Court, Dindigul to dispose of O.S.Nos.724 of 2018 and 450 of 2022 within a period of six (6) months from the date of receipt of a copy of this order. It is made clear that subject to the result of the civil proceedings, it will



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be left open to the parties to revive their claim before the first respondent for

compensation. No costs. Consequently, connected miscellaneous petitions are closed.

29.11.2023

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

To

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N.ANAND VENKATESH, J.

Nsr

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