



W.P.(MD)No.6818 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.6818 of 2021

R.Palanisamy

... Petitioner

Vs.

1.The District Revenue Officer (Land Acquisition),
National Highways No. 209,
Dindigul.

2.The Special Thasildar (Land Acquisition),
O/o. the Outer Ring Road,
(NH7-209) Dindigul-Oddanchathiram-
Pollachi National Highways, D.No.4/659,
Indira Nagar, Thadikommpu Road,
Dindigul.

...Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to release the full compensation amount to the petitioner for his property in S.F.No. 574/1A, Kodalvavee village, Dindigul West Taluk, Dindigul District further consider the petitioners representation dated 15.10.2020 within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Karthik

For Respondents : Ms.D.Farjana Ghoushia
Special Government Pleader



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ORDER

This writ petition has been filed for the issue of writ of mandamus directing the respondents to pay the compensation amount to the petitioner for the acquisition of the property belonging to the petitioner by considering the representation dated 15.10.2020.

2.The case of the petitioner is that he is the owner of the subject property situated in SF.No.574/1A at Kodalvavee Village, Dindigul District. This property was leased out to R.Eswaran and T.Sivakumar, who were running a Mill in the property from the year 2018 onwards. Whiles, acquisition proceedings were initiated under the National Highways Act. The compensation amount was also ascertained. Some dispute was raised by the tenant and as a result, the compensation amount was not released by the respondents. The representation that was made by the petitioner in this regard also did not evoke any response. In view of the same, the petitioner has filed the present writ petition before this Court.

3.When the matter is taken up for hearing today, the learned Special Government Pleader appearing on behalf of the respondents submitted that the



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compensation has already been ascertained and it is broadly calculated under three heads. The first head is land, the second head is building and the third head is the expenses that will be incurred for relocation of the machineries. The learned Special Government Pleader submitted that there was some dispute between the petitioner and the above said T.Sivakumar. Due to this *inter se* dispute, the second respondent was not able to pay the compensation amount.

4.The learned counsel for the petitioner submitted that he does not have any objection in paying compensation to the tenant under the head of relocating the machineries. He further submitted that the tenant had left huge arrears payable towards electricity consumption and also rent. Therefore, it was contended that this amount must also be deducted from the compensation payable to the tenant and the balance can be given to the tenant.

5.In the considered view of this Court, the *inter se* dispute between the petitioner and his tenant cannot be handled by the respondents. The arrears that is claimed by the petitioner towards consumption of electricity and rental arrears should be independently recovered by the petitioner from the tenant and that cannot be a subject matter while paying the compensation. In view of the same, the compensation with regard to the land and building can be paid to the



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petitioner and the compensation for relocation of the machineries can be paid to the tenant. Insofar as recovery of the electricity dues and rental arrears, the petitioner has to independently proceed against the tenant.

6.In the result, this writ petition is disposed of with a direction to the respondents to pay the compensation for the land and building to the petitioner and for the relocation of the machineries to the tenant. This process shall be completed within a period of four weeks from the date of receipt of a copy of this order. The petitioner shall place his title documents before the first respondent to clarify that he is entitled to receive the entire compensation towards the land and building. Copy of the award passed shall also be furnished to the petitioner by the second respondent. No costs.

10.11.2023

NCC : Yes / No
Index : Yes/No
Internet : Yes/No
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N.ANAND VENKATESH, J.

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