



W.P.(MD)No.12726 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.10.2023

C O R A M

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.12726 of 2021

and

W.M.P.(MD)No.9909 of 2021

P.Asokan

... Petitioner

-VS-

- 1.The Divisional Engineer,
Highway Department,
Construction and Maintenance Division,
Alagarkovil Road, Madurai.
- 2.K.K. Flats Private Limited,
Represented by its Managing Director,
D.Muthukumar, Flat 1E, Sunflower Apartment,
No.3, Mandapam Cross Road,
Kilpauk, Chennai - 600010.
- 3.D.Muthukumar,
Managing Director,
K.K. Flats Private Limited,
Flat No.1 K, Wild Flower Apartments,
Old No.10, Mandapam Cross Road, Kilpauk,
Chennai - 600 010.
- 4.M.Devakavitha, W/o.D.Muthukumar,
Director, K.K. Flats Private Limited,
Flat No.1 K, Wild Flower Apartments,
Old No.10, Mandapam Cross Road, Kilpauk,
Chennai - 600 010.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the first respondent from disbursing any amount as compensation to the fourth respondent or to any person claiming under her in respect of the lands acquired for Madurai Vaigai River North Bank Road from Kurivikaran Salai Bridge to Anna Nagar PTR Bridge project from and out of the lands in S.Nos.75, 76, 84/5A1, 84/5A2, 84/5B, 84/5C and 84/5C2 in Sathamangalam Village, Madurai, without ascertaining its ownership in the name of the second respondent Company as put forth by the petitioner, vide representation dated 04.11.2020, sent to the first respondent.

For Petitioner	:	Mr.Y.Prakash
For R1	:	Mr.K.S.Selvaganesan Additional Government Pleader
For R2	:	Mr.S.Karunakar
For R3 and R4	:	No Appearance

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, forbearing the first respondent from disbursing the compensation amount to the fourth respondent with respect to the lands that have been acquired by the Highways Department, by considering the representation made by the petitioner on 04.11.2020.



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2. Heard Mr.Y.Prakash, learned counsel appearing on behalf of the petitioner, Mr.K.S.Selvaganesan, learned Additional Government Pleader appearing on behalf of the first respondent and Mr.S.Karunakar, learned counsel appearing on behalf of the second respondent. Though the respondents 3 and 4 have been served with notice and their names have also been printed in the cause list, they have not chosen to appear either in person or through counsel.

3. The main ground that has been raised by the petitioner is that the Patta with respect to the subject lands stands in the name of the fourth respondent and therefore, the fourth respondent is attempting to takeaway the entire compensation amount. The petitioner had already filed an appeal in this regard before the Revenue Divisional Officer, Madurai District, seeking for the cancellation of Patta issued in favour of the fourth respondent and for restoring the Patta in the name of the second respondent Company. Since the same was not considered, the petitioner had filed W.P.(MD)No.12685 of 2021. In the meantime, the fourth respondent was attempting to collect the entire compensation amount. Therefore, the petitioner made a representation dated 04.11.2020, to forbear the first respondent from paying the



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compensation amount to the fourth respondent. Since the same was not considered, the present Writ Petition has been filed before this Court.

4. The learned Additional Government Pleader appearing on behalf of the first respondent submitted that till date, no steps have been taken to acquire the lands and the proposal is pending with the Commissioner of Land Administration [CLA].

5. This Court has already passed an order today, *i.e.*, 19.10.2023, in W.P.(MD)No.12685 of 2021 and directed the Revenue Divisional Officer, Madurai District, to pass final orders in the appeal filed by the petitioner, within a period of eight weeks. In view of the same, there shall be a direction to the first respondent to retain the compensation amount, if the lands are acquired and the compensation amount is fixed and await for the final decision to be taken by the Revenue Divisional Officer, Madurai District. Depending upon the final decision taken by the Revenue Divisional Officer, Madurai District, the compensation amount shall be disbursed by the first respondent.



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6. This Writ Petition is disposed of with the above direction. No costs.

Consequently, connected Miscellaneous Petition is closed.

NCC : Yes/No

Index : Yes/No

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19.10.2023

To

The Divisional Engineer,
Highways Department,
Construction and Maintenance Division,
Alagarkovil Road,
Madurai.



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N.ANAND VENKATESH, J.

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