



W.P.(MD)No.15003 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.15003 of 2021

1.Margaret

2.Joseph

3.Sriya Pushparani

4.Kulandairaj

5.Paulraj

... Petitioners

Vs

1.The District Revenue Officer /
Land Acquisition Officer,
Tamil Nadu Industrial Development Corporation,
Manapparai Taluk,
Trichirappalli District.

2.The Special Deputy Collector
(Land Acquisition), Sipcot,
Manapparai,
Trichirappalli District.

3.K.Devaraj,
Managing Trustee,
The Good Samaritan Trust,
Nazareth, Kunnathur Taluk,
Viralimalai Taluk,
Pudukottai District.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorari, calling for the records in the impugned order passed by the 1st respondent in Na.Ka.No.C1/11086/2013/Block-3 dated 08.07.2021 and quash the same.

For Petitioners : Mr.P.Arun Jayaram

For R-1 & R-2 : Mr.A.K.Manikkam,
Special Government Pleader

For R-3 : Mr.S.C.Herold Singh

ORDER

This Writ Petition has been filed challenging the impugned proceedings of the first respondent dated 08.07.2021, wherein, the first respondent based on the Will that was submitted by the third respondent had directed the payment of the entire compensation in favour of the third respondent.

2. The case of the petitioners is that they are legal heirs of one Reverent Maria Susai. The property in question was acquired under the Tamil Nadu Acquisition of Land for Industrial Purpose Act, 1997. The further case of the petitioners is that they are entitled to receive the compensation for the land that was acquired and whereas, the third



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respondent was claiming right by virtue of an alleged Will that was executed by the said Reverent Maria Susai. A suit was also filed in this regard in O.S.No.30 of 2017 before the learned II Additional District Judge, seeking for various reliefs including the reliefs declaring the Will that is relied upon by the third respondent as null and void and nonest. During the pendency of this suit, the third respondent based on the Will made a claim for the payment of compensation. In spite of the objections made by the petitioners, the first respondent through impugned proceedings dated 08.07.2021 directed for the payment of compensation in favour of the third respondent. Aggrieved by the same, the present Writ Petition has been filed before this Court.

4. Heard the learned counsel on either side.

5. It is brought to the notice of this Court that the compensation amount was already disbursed to the third respondent during the pendency of this Writ Petition.

6. In the considered view of this Court, the substantive suit is



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now pending in O.S.No.30 of 2017 and therefore, it will be left open to the petitioners to work out their remedy in the pending suit. If ultimately, the petitioners succeed in the suit and the Will executed in favour of the third respondent is held to be bad, the petitioners can always seek for a direction to the third respondent to pay back the entire compensation received by the third respondent from the authorities. Except giving this clarity, no further orders can be passed in this Writ Petition.

7. In the result, this Writ Petition is disposed of in the above terms. No costs.

07.12.2023

NCC:yes/no

Index:yes/no

Internet:yes/no

TSG

To

1.The District Revenue Officer /
Land Acquisition Officer,
Tamil Nadu Industrial Development Corporation,
Manapparai Taluk,
Trichirappalli District.

2.The Special Deputy Collector
(Land Acquisition), Sipcot,
Manapparai,



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Trichirappalli District.
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N.ANAND VENKATESH, J.

TSG

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