



W.P(MD)No.20568 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED : 28.03.2023

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P(MD) No.20568 of 2014 and
MP(MD) No.1 of 2014

T.R.Ganesan

Petitioner

Vs.

- 1.The District Collector,
Ramanathapuram District,
Ramanathapuram.**
- 2.The District Revenue Officer,
Land Acquisition Authority,
National Highways No.49,
District Collectorate Office,
Ramanathapuram.**
- 3.The Special Tahsildar,
Land Acquisition,
National Highways No.49,
Manamadurai Town,
Aruanachi Complex,
Sivagangai District.**
- 4.The Tahsildar,
Taluk Office,
Thiruppuvanam,
Sivagangai District.**



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5.Rajangam

6.S.Balasubramanian

Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 2 & 3 to refer the dispute under Section 21 of the Tamil Nadu National Highways Act, 2001 to the first respondent the dispute pertaining to the entitlement to receive the compensation in respect of the petitioner's land in S.No.82/7 in an extent of 33 cents and 78/12B in an extent of 18.50 cents in Thiruppachethi South Village, Tiruppuvanam Taluk, Sivagangai District to decide the entitlement of compensation and consequently direct the first respondent to refer the matter to competent civil court in the manner known to law.

For Petitioner

:Mr.J.John

For R1 to R4

:Mr.S.Shaji Bino

Special Government Pleader

For R5 & R6

:Mr.M.Balakrishnan

ORDER

This writ petition is filed for a Mandamus, directing the respondents 2 and 3 to refer the dispute between the petitioner and the respondents 5 & 6 for the entitlement of the compensation for the lands in Survey No.82/7 to the competent Civil Court. However,



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they have not acted upon it. Therefore, the petitioner has filed this writ petition.

2.The case of the petitioner is that he is the owner of the lands in Survey Nos.82/7, 78/12B to an extent of 18.50 cents, which were acquired by the respondents 1 to 4 under the provisions of National Highways Act for the purpose of upgrading to 4/6 lane of Madurai Thanuskodi (NH49), National Highways Road. The respondents 5 & 6, taking advantage of the entries made in the revenue records claimed the title over the above property, which were acquired by the respondents. Therefore, this petitioner by referring provisions under Section 3H(4) of the National Highways Act, 1956 made a request to the respondents to refer the dispute between the petitioner and the respondents 5 & 6 to the Civil Court. However, the respondents have not acted upon it. Therefore, the petitioner has filed this writ petition.



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3.The learned counsel appearing for the petitioner submits that this petitioner is the owner of the subject lands, which were acquired by the Department. However, by referring the objections raised by the respondents 5 & 6, the Department has not disbursed the compensation amount to the petitioner. In any event, if there is any dispute with regard to the ownership of the property, the same has to be settled only before the competent Civil Court, as per Section 3H(4) of National Highways Act. Since the respondents have not referred the issue to the competent civil Court, the petitioner is before this Court.

4.The learned Special Government Pleader submits that this petitioner has already filed a suit in O.S.No.95 of 2014 before the District Munsif Court, Manamadurai for the releif of declaration and for permanent injunction and having lost in the suit, he preferred an appeal in A.S.No.142 of 2019 before the Sub Court, Manamadurai and the same is still pending. The appeal suit is posted to 21.04.2023 for further hearing.



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5.This Court considered the rival submissions made on either side and also perused the materials placed on record.

6.The grievance of the petitioner is that the respondents 5 & 6 by taking advantage of the entries made in the revenue records has made a claim that the properties in Survey Nos.82/7, 78/12B to an extent of 18.50 cents, which were acquired by the official respondents under National Highways Act. The petitioner claims that he is the owner of the property and he is entitled for the compensation. When there is a rival claim, the respondents ought to have referred the matter to the competent Civil court as required under Section 3H(4) of National Highways Act. Since the respondents have not acted upon it, the petitioner is before this Court.

7.It appears that this petitioner has already approached the Civil Court in O.S.No.95 of 2014 for the relief of declaration and



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for permanent injunction and has also lost the suit. Thereafter, he preferred an appeal in the year 2019 in A.S.No.142 of 2019, before the Sub Court, Manamadurai and the same is still pending.

8.In view of the above, this writ petition is closed with a liberty to the petitioner to work out his remedy on the outcome of the appeal suit filed by him in A.S.No.142 of 2019. No costs. Consequently, connected Miscellaneous Petition is closed.

28.03.2023

NCC : Yes / No.
Index : Yes / No.
Internet : Yes / No.
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