



WP(MD)No.17256 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

**WP(MD)No.17256 of 2015
and
MP(MD)No.1 of 2015**

A.Alfredh Madhalane

... Petitioner

Vs.

1.The State, rep.by the District Collector,
Pudukottai.

2.The Special Tahsildar (Land Administration),
National Highways,
Kulathur Taluk, Keeranur,
Pudukottai District.

3.M.N.Balraj

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent of his proceedings in Na.Ka.No.2/2010 Ni.A.The.Na (Land Acquisition National Highways) dated 23.10.2013 and quash the same as of no legal consequence and direct the respondents 1 & 2 to pay the compensation payable to the petitioner in respect of the property Plot Nos.96 & 97 acquired from Ayan Punjai S.F.No. 127/1 & 128/3 at Kumaramangalam Village, Kulathur Taluk, Pudukottai District.



For petitioner : Mr.R.Vigneshwaran
For Respondents : Mr.D.Gandhiraj
Special Government Pleader

ORDER

Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents 1 and 2. The third respondent is the contesting respondent but he has not been served. On this ground, there is no need to adjourn the proceedings.

2.The petition-mentioned property was acquired under the National Highways Act, 1956. Compensation has to be paid. The petitioner as well as the third respondent have both staked claim. Therefore, the issue has to be resolved as laid down in Section 3-H of the Act.

“3H.Deposit and payment of amount.-(1) The amount determined under section 3G shall be deposited by the Central Government in such manner as may be laid down by rules made in this behalf by that Government, with the competent authority before taking possession of the land.

(2) As soon as may be after the amount has been deposited under sub-section (1), the competent authority shall on behalf of the Central Government pay the amount to the person or persons entitled thereto.



(3) Where several persons claim to be interested in the amount deposited under sub-section (1), the competent authority shall determine the persons who in its opinion are entitled to receive the amount payable to each of them.

(4) If any dispute arises as to the apportionment of the amount or any part thereof or to any person to whom the same or any part thereof is payable, the competent authority shall refer the dispute to the decision of the principal civil court of original jurisdiction within the limits of whose jurisdiction the land is situated.

(5) Where the amount determined under section 3G by the arbitrator is in excess of the amount determined by the competent authority, the arbitrator may award interest at nine per cent, per annum on such excess amount from the date of taking possession under section 3D till the date of the actual deposit thereof.

(6) Where the amount determined by the arbitrator is in excess of the amount determined by the competent authority, the excess amount together with interest, if any, awarded under sub-section

(5) shall be deposited by the Central Government in such manner as may be laid down by rules made in this behalf by that Government, with the competent authority and the provisions of subsections (2) to (4) shall apply to such deposit.”

3. The second respondent is directed to decide the issue as laid down above. If the second respondent could not decide the issue himself, the matter shall be referred to the jurisdictional civil court. Before passing an



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order one way or the other, the second respondent is obliged to issue notice to the petitioner as well as the third respondent. The entire exercise shall be completed within a period of twelve weeks from the date of receipt of copy of this order.

4.This writ petition is disposed of. No costs. Connected miscellaneous petition is closed.

26.09.2023

Index : Yes / No
Internet : Yes/ No
skm

To

- 1.The District Collector, Pudukottai.
- 2.The Special Tahsildar (Land Administration),
National Highways,
Kulathur Taluk, Keeranur,
Pudukottai District.



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G.R.SWAMINATHAN, J.

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