



W.P.(MD)No.20913 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.20913 of 2023 and
WMP(MD) No.17313 of 2023

Paramasivam K

... Petitioner

Vs

1.The District Collector,
District Collectorate Premises,
Tuticorin.

2.The District Revenue Officer,
O/o. District Revenue Officer,
Tuticorin.

3.The Revenue Divisional Officer,
O/o. Revenue Divisional Officer,
Tuticorin.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, directing the respondents 1 to 3 to consider the petitioner's representation dated 21.11.2022 filed by the petitioner pending on the file of the 1st respondent by fixing the time limit.



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For Petitioner : Mr.C.M.Arumugam
For Respondents : Mr.M.Sarangan
Additional Government Pleader

ORDER

The petitioner is the seventh child of his father, namely, Krishnamoopanar. The petitioner's father inherited certain properties in S.No.622/1, 624 (6A) and 623/1A1. A portion of these lands have been acquired by the National Highways for the purpose of expansion of four way road. In the absence of this petitioner's father and when the petitioner was working at abroad, the petitioner's elder brother has prosecuted the case for compensation before the authorities. However, he failed to bring the petitioner on record. In the arbitration proceedings also, the petitioner's name was not impleaded. However, this Court in CMA(MD) No. 1734 of 2013, dated 18.02.2022 set aside the arbitration award passed by the District Collector and remitted the matter for fresh consideration to the District Collector, with a direction to determine the compensation as per the 3G(7) of the National Highways Act. At that time, the petitioner has submitted an application



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before the first respondent to get impleaded himself as one of the claimants in the proceedings pending before the first respondent in Na.Ka.No.E3/28855/2009. The first respondent has also directed the second respondent to ascertain the genuineness of the petitioner's claim. The second respondent after conducting an enquiry found that this petitioner and two other sisters are also the legal heirs of Krishnamooppanar and recommended to the first respondent. Even thereafter, the first respondent has not taken any steps and therefore, the petitioner has filed this writ petition for a Mandamus, directing the respondents 1 to 3 to consider the application of the petitioner for impleading him in the proceedings of the first respondent in Na.Ka.No.E3/28855/2009.

2.This Court by order dated 18.02.2022 in CMA(MD) No. 1734 of 2022 has directed the District Collector/Arbitrator to determine the compensation as per Section 3G(7) of the National Highways Act. The amount determined under Section 3G of the National Highways



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Act shall be deposited by the Central Government as per Section 3H of National Highways Act. In case, when several persons claims to be interested in the amount deposited under Section 3(H) (1) of the Act, the competent authority shall determine the persons who in its opinion are entitled to receive the amount payable to each of them.

3.In view of the above, this writ petition is allowed with a direction to the first respondent to implead this petitioner as a party in the proceedings pending before the first respondent in Na.Ka.No.E3/28855/2009 and shall pass an award as directed by this Court in CMA(MD) No.1734 of 2013 as expeditiously as possible. No costs. Consequently, connected Miscellaneous Petition is closed.

28.08.2023

NCC : Yes / No.
Index : Yes / No.
Internet : Yes / No.
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B.PUGALENDHI, J.

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