

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :30.03.2023

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.5566 of 2016
and
W.M.P.(MD).Nos.4985 & 4986 of 2016

G.Soundaram

Vs.

... Petitioner

1.The Special District Revenue Officer,
Land Acquisition-National Highways,
District Collector Office Campus,
Ramanathapuram.

2.The Special Tahsildar,
Land Acquisition,
National Highways-49 Division I,
Manamadurai,
Sivagangai District.

3.The Project Director,
National Highways Authority of India,
(NHAI),
Subramaniyapuram,
Karaikudi, Sivagangai District.

4.V.Irulayee Ammal

5.P.Raguraman

6.A.Kasirajan

7.A.Vairavan

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the impugned proceedings of the second respondent dated 30.12.2015 in Na.Ka.The.Ne.49/A1/82/2015 and quash the same and consequently forbear the respondents 2 to 3 from disbursing 6/7th share of the compensation amount to the respondents 4 to 7 as mentioned in the tabular column of the impugned proceedings of the second respondent in respect of serial No.1,2,4 and 5 without disbursing the 1/7th share to the petitioner.

For Petitioner :Mr.N.S.Karthikeyan

For Respondents :Mrs.D.Farjana Ghoushia
Special Government Pleader for R1 and R2

:Mr.N.Rahamadullah for R6 and R7

ORDER

The petitioner assails an order dated 30.12.2015 in respect of the claims made by the petitioner and the private respondents herein for apportionment of compensation in relation to land acquisition.

2. By the impugned order, 6/7th share was directed to be disbursed and the remaining 1/7th share was deposited in view of the pendency of O.S.No.3 of 2015 before the District Court, Sivagangai.

3. Learned Special Government Pleader has placed before me written instructions indicating that the remaining 1/7th share was also disbursed to the respondents upon dismissal of O.S.No.3 of 2015 for default.

4. Learned counsel for the petitioner and learned counsel for the private respondents submit that the said suit was subsequently restored and is currently at the stage of final arguments. In fact, learned counsel for the private respondents submits that an application for earlier disposal was filed by him and that, therefore, the suit is likely to be disposed of soon.

5. In the above facts and circumstances, the remaining 1/7th portion should be paid in accordance with the decree of the civil court in the pending suit. Therefore, W.P.(MD).No.5566 of 2016 is disposed of by leaving it open to parties to work out their remedies in the civil court. Since

there were developments subsequent to the filing of the writ petition, the petitioner is granted leave to assail any orders that were issued after the institution of the writ petition. There shall be no order as to costs. Consequently, connected W.M.P.(MD).Nos.4985 and 4986 of 2016 are closed.

30.03.2023

NCC :Yes/No
Internet :Yes/No
Index :Yes/No
sbn

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SENTHILKUMAR RAMAMOORTHY, J.

sbn

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