



WEB COPY



WP(MD)No.25022 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.10.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

**WP(MD)No.24948 of 2023
and
WMP(MD)No.21137 of 2023**

M.Chinnasamy

... Petitioner

v.

- 1.The Government of India,
Rep.by its Secretary,
Ministry of Road Transport & Highways,
Transport Bhavan, No.1, Parliament Street,
New Delhi.
- 2.The National Highway Authority of India,
G5&6, Sector 10, Dwarka,
New Delhi.
- 3.The District Collector,
Tiruppur, Tiruppur District.
- 4.The Competent Authority,
District Revenue Officer (Land Acquisition),
Door No.567, APJ Abdul Kalam Street,
Chennavarayakanpatti,
Dindigul – 624 004.

... Respondents



WP(MD)No.25022 of 2023

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the respondents from dispossessing the Petitioner from his lands situate at S.F.No.56/3C, 3D, 3B and 3G, 146/1D, 1E, 3C, 3B and 1B, Periyakottai Village, Udumalaipettai Taluk, Tiruppur District without serving the copy of the award made in pursuance of the notification issued by the 4th respondent in his proceedings in Na.Ka.No.1654/2018/A1/CU-209 dated 04.12.2018 under Section 3A of the National Highways Act, 1956 and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner : Ms.Afritha Fathima for M/s.Ajmal Associates

For Respondents : Mr.K.Govindarajan,
Deputy Solicitor General of India for R1

Mr.P.Karthik for R2

Mr.S.Ra.Ramachandran,
Additional Government Pleader for R3 and R4

ORDER

Heard both sides.

2.The prayer in the writ petition is for protecting the petitioner from dispossession without serving copy of the award. When the matter was taken



WP(MD)No.25022 of 2023

up for hearing, the copy of the award was served on the petitioner. The limitation for the purpose of seeking enhancement of the compensation will be computed from 16.10.2023 only.

3.The learned Deputy Solicitor General of India appearing for the first respondent informs the court that the award amount has already been deposited in the appropriate account. The petitioner is at liberty to seek arbitral remedy at the hands of the District Collector, Tiruppur for enhancement of compensation. If such petition is filed before the third respondent, it shall be disposed of on merits and in accordance with law within a period of six months thereafter. The stand of the respondents is that bank details have not been furnished. It is controverted by the learned counsel for the petitioner. Section 3H(4) of the National Highways Act, 1956 is as follows :

"3H. Deposit and payment of amount.

.....

(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."



WP(MD)No.25022 of 2023

4.It appears that there is some sibling dispute. If that be so, let the amount be deposited with the Principal District Court, Tiruppur within a period of one week from the date of receipt of the order copy. Reference shall be made under Section 3H(4) of the Act by the concerned authority. The jurisdictional civil court will take a call immediately thereafter and dispose it of within a period of six months thereafter.

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

17.10.2023

Index : Yes / No
Internet : Yes / No
Skm

To

- 1.The Secretary, Government of India,
Ministry of Road Transport & Highways,
Transport Bhavan, No.1, Parliament Street,
New Delhi.
- 2.The National Highway Authority of India,
G5&6, Sector 10, Dwarka, New Delhi.
- 3.The District Collector, Tiruppur, Tiruppur District.
- 4.The Competent Authority,
District Revenue Officer (Land Acquisition),
Door No.567, APJ Abdul Kalam Street,
Chennavarayakanpatti, Dindigul – 624 004.



WEB COPY



WP(MD)No.25022 of 2023

G.R.SWAMINATHAN, J.

SKM

**WP(MD)No.24948 of 2023
and
WMP(MD)No.21137 of 2023**

17.10.2023