



W.P.No.2789 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.2789 of 2024

and

W.M.P.No.3046 of 2024

V.Shivaji

... Petitioner

Vs.

1. The Special District Revenue Officer,
Land Acquisition (Full Additional Charge),
Highways Department,
Greater City Section,
Chennai Corporation Commercial Complex,
New Street, Alandur,
Chennai – 6000 016.

2. The Special Deputy Tahsildar,
Land Acquisition,
Highways Department,
Greater City Section,
Alandur,
Chennai – 600 016.

3. L.Arun @ Murugaiya

... Respondents



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PRAYER:

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Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents 1 and 2 herein to pay the Award amount of Rs. 37,67,847(Rupees Thirty Seven Lakhs sixty Seven Thousand Eight Hundred and Forty Seven Only) together with interest at market rate of 18% p.a thereon as this Honble Court may deem fit to the Writ petitioner as made in Award No. 8/2021 dated 31.03.2021 in Award S1.No. 87 as Communicated in Na.Ka.No.843/2009/aa1(Na.Ka.No. 843/2009)/AA1) dated 31.03.2021.

For Petitioner : Mr.N.Manokaran
for Mr.S.Vinod

For R1 & R2 : Mr.A.Selvendran
Special Government Pleader

ORDER

This Writ Petition has been filed to issue a Writ of Mandamus, to direct the official respondents 1 and 2 to pay the Award amount together with interest at market rate @ 18% p.a to the petitioner, as made in Award No. 8/2021 dated 31.03.2021 in Award S1.No. 87, which was communicated in Na.Ka.No.843/2009/aa1(Na.Ka.No. 843/2009)/AA1)



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dated 31.03.2021.

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2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the official respondents.

3. Since no adverse order is passed against the private respondent, notice to the private respondent/third respondent is dispensed with.

4. It is the contention of the petitioner that without impleading the petitioner as a party, the third respondent has earlier filed a writ petition in W.P.No.15123 of 2021 as against the first respondent herein, in which this Court, vide order dated 09.08.2021, directed the respondent therein/first respondent herein, to put on notice to the writ petitioner therein/third respondent herein. It is further submitted that the Award had been passed on 31.03.2021, much prior to the order of this Court on 09.08.2021. Further contention of the learned counsel for the petitioner is that though determination of Award was communicated to the petitioner,



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the official respondents have not paid the Award amount to the petitioner.

Hence, he filed the present writ petition. The writ petition has been filed only to direct the official respondents to deposit the Award amount in the Nationalised Bank.

5. Admittedly, partition suit is pending between the petitioner and the third respondent and others in O.S.No.41 of 2008 on the file of the Fast Track Court No.I, Chengalpet, wherein the third respondent himself claims only 1/3rd share. According to the learned counsel for the petitioner, the said suit is still pending. Since already partition suit is pending between the parties, the official respondents are directed to deposit the Award amount where the suit in O.S.No.41 of 2008 is pending (before the Fast Track Court No.I, Chengalpat) within the period of four weeks from the date of receipt of a copy of this order. Further, the Judge, Fast Track Court No.I, Chengalpet is directed to invest that amount in any Nationalized bank in the Fixed Deposit Scheme initially for the period of one year, and if the suit is not disposed of within the period of one year, then the Award amount may be renewed periodically till the disposal of the suit. Further, it is seen that the suit in



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O.S.No.41 of 2008 is pending from the year 2008 and it is a simple suit for partition and hence the Judge, Fast Track Court No.1 at Chengalpat is directed to dispose of the said suit within a period of four months from the date of receipt of a copy of this order. The learned Judge, Fast Track Court No.I, Chengalpet is directed to disburse the Award amount as per the decree that would be passed in the suit in O.S.No.41 of 2008.

6. Further, it is seen that O.S.No.796 of 2007 has also been filed by the third respondent herein against the defendants in the suit on the file of the District Munsif Court, Alandur. Against the judgment and decree dated 11.10.2011 passed in O.S.No.796 of 2007, it is stated that A.S.No.14 of 2012 on the file of the Subordinate Court, Tambaram, has been filed by the defendants in the suit and the same is also pending. Hence, the Subordinate Judge, Tambaram is also directed to dispose of the appeal in A.S.No.14 of 2012 within a period of four months from the date of receipt of a copy of this order.

7. With the abovesaid directions, the Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected



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miscellaneous petition is closed.

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

Copy to:

1. The Subordinate Judge, Tambaram.
2. The Judge, Fast Track Court No.1 at Chengalpat.

To

1. The Special District Revenue Officer,
Land Acquisition (Full Additional Charge),
Highways Department,
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Chennai Corporation Commercial Complex,
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P.VELMURUGAN, J.

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