



WEB COPY



WA No.1161 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

WA No.1161 of 2023

S.Karunakaran

.. Appellant

-VS-

1. The Special District Revenue Officer,
Land Acquisition Officer,
Mamallapuram-Puducherry Road,
Expansion Scheme, Chengalpattu.

2. The Special Tahsildar (LA),
Mamallapuram-Puducherry Road,
Expansion Scheme, Chengalpattu.

.. Respondents

Prayer: Writ appeal filed under Clause 15 of the Letters Patent against the order of the learned Single Judge in W.P.No.24756 of 2022 dated 19.09.2022.

For the Appellant : Mr.Jayesh B.Dolia
Senior Counsel
for Mr.Kalyanaraman,
for M/s.Aiyar and Dolia

For the Respondents : Mr.A.Edwin Prabakar
State Govt. Pleader

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JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.Jayesh B.Dolia, learned senior counsel for the appellant and Mr.A.Edwin Prabakar, learned State Government Pleader for the respondents.

2. The writ petition is filed by the present appellant assailing the order dated 14.06.2022 passed by the second respondent. The petitioner seeks compensation for the area acquired from his land in S.No.89/2 at Kodapattinam Village, Cheyyur Taluk, Chengalpattu.

3. It appears that the objection raised by the appellant/petitioner for payment of compensation in respect of his acquired land in S.No.89/2 was rejected by the competent authority. One of the reasons given is that the extent of land acquired is not clearly mentioned and, as such, no further action can be initiated.



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4. In a notice issued to the appellant, three persons are shown to be claimants in respect of the land acquired in S.No.89/2. The dispute, it appears, exists about the apportionment of the amount. The learned Single Judge in the impugned order has granted liberty to the appellant to approach the competent Civil Court to file fresh application if he possesses title.

5. The appellant is relying upon the sale deed. 17 cents has been purchased by the appellant. The said 17 cents forms part of various survey numbers out of which S.No.89/2 is one. Of course, it is not clear as to how much area the appellant has purchased in S.No.89/2. The respondents also acknowledge that some part of the land from S.No.89/2 is acquired. In light of the fact that the issue of apportionment exists, Section 3-H of the National Highways Act, 1956, would come into operation. In that event, the dispute will have to be referred for apportionment of amount to the concerned principal civil court of original jurisdiction.



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6. In light of the above, the respondent authorities shall refer the dispute regarding apportionment of the amount of compensation to the persons for the lands acquired in S.No.89/2 to the concerned competent principal civil court of original jurisdiction along with the amount of compensation. The same shall be sent by the respondent authorities to the concerned Principal Civil Court within a period of six weeks from today. The Principal Court to whom the dispute is referred shall keep the said amount in a Fixed Deposit of any nationalised bank and the order may be passed for disbursement of the said amount depending upon the decision it takes in the proceedings.

The Writ Appeal is, accordingly, disposed of. There shall be no order as to costs.

(S.V.G., CJ.) (J.S.N.P., J.)
03.04.2024

Index : Yes/No
Neutral Citation : Yes/No

sra



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THE HON'BLE CHIEF JUSTICE
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(sra)

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