



WEB COPY



WP.No.9487 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.9487 of 2024
and W.M.P.No.10755 of 2024

M.Selvaraj

.. Petitioner

Versus

1.The Special Tahsildar (Land Acquisition) Unit -1
Coimbatore Airport Runway Extension
Coimbatore

2.The Sub Registrar
Singanallur Sub Register Office
Coimbatore District

3.C.P.Manian

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to include the petitioners name in the land acquisition proceedings in respect of the property bearing survey No.26/7 measuring to an extent of 121.977 sq.mtr. or 1313 sq.ft situated at Block No.18, Irugoor Village, Sulur Taluk, Coimbatore District and to pay the Compensation between the petitioner and 3rd respondent equally in the light of Mutual Agreement dated 28.09.2022 entered by them.

For Petitioners : Mr.M.Vijaya Ragavan
For Respondents : Mr.A.Selvendran for R1
Special Government Pleader
Mr.Yogesh Kannadasan for R2
Special Government Pleader



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ORDER

This writ petition has been filed directing the 1st respondent to include the petitioner's name in the land acquisition proceedings in respect of the property bearing survey No.26/7 measuring to an extent of 121.977 sq.mtr. or 1313 sq.ft situated at Block No.18, Irugoor Village, Sulur Taluk, Coimbatore District and to pay the Compensation between the petitioner and 3rd respondent equally in the light of Mutual Agreement dated 28.09.2022 entered by them.

2. The grievance of the writ petitioner is that petitioner is an agreement holder. She has already filed a suit for specific performance, further, the third respondent in the meanwhile purchased the property and filed a suit for declaration in O.S.No.619 of 2017. During the pendency of the suit, the property was acquired by the Special Tahsildar/first respondent. Thereafter, the plaintiff and the defendant entered into a compromise agreement to share the compensation equally. Based on that agreement, the suit has been dismissed as settled out of Court. Hence, seeks direction to include the petitioner in the land acquisition proceedings.

3. Heard both sides and perused the entire materials.

4. The suit in O.S.No.619 of 2017 is dismissed as settled out of Court on



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the basis of the memo of compromise. The memo filed before this Court also clearly indicate that the parties have agreed to receive the share equally.

5. Such view of the matter, at this stage delegating the parties to the Civil Court may not arise. There shall be a direction to the first respondent to consider the case of the petitioner and hear the petitioner as well as the third respondent before disposing the compensation in pursuant to the agreement entered between the parties in Civil Court in O.S.No.619 of 2017.

6. Accordingly, this writ petition stands disposed of. Consequently, connected miscellaneous petition is closed. No costs.

08.04.2024

dhk

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

To,

1.The Special Tahsildar (Land Acquisition) Unit -1
Coimbatore Airport Runway Extension
Coimbatore

N. SATHISH KUMAR, J.



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2.The Sub Registrar
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