



WEB COPY



W.P.No.23772 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.23772 of 2024

M/s.Tamilnad Mercantile Bank Ltd.,
Erode Branch,
Represented by Chief Manager/Branch Head,
No. 41, Teppalkulam Street,
Erode – 638001.

... Petitioner

VS.

1.Land Acquisition Officer
Cum District Revenue Officer,
Erode District

2.The Tahsildar
Erode Taluk
Erode District

3.The District Collector
Erode District

4.P.Sundaran

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of



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India, to issue a Writ of Mandamus, directing the 1st to 3rd Respondent to release Rs.4,27,478/- (Rupees Four Lakhs Twenty-Seven Thousand Four Hundred and Seventy-Eight Only) which is an interim compensation lying in the custody of the 1st Respondent with accrued interest and also grant further compensation of Rs.3,26,438/- (Rupees Three Lakhs and Twenty Six Thousan Four Hundred and Thirty Eight Only) which is lying with the respondents 1 to 3 on the strength of the final decree in O.S.No.181 of 2015 dated 03.12.2015 within the time frame that may be fixed by this Court.

For Petitioner : Mr.V.Chandrasekaran

For R1 to R3 : Mr.A.Selvendran
Special Government Pleader

ORDER

The petitioner herein seeks a direction to the respondents 1 to 3 to release a sum of Rs.4,27,478/- towards interim compensation in respect of the land belongs to the 4rd respondent under acquisition proceedings.

2. It is the case of the petitioner that the property with an extent of 1913.50 sq.ft., situated in S.F.No.671 and R.S.F.No.653/2,3, Plot No.39, Kasipalayam Village and Municipal Limit, Erode Taluk and District belong



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to 4th respondent and he mortgaged the property towards the loan facility availed by him from the petitioner's Bank. When the said mortgage was subsisting, the portion of the property was acquired by the 1st respondent and interim compensation payable to 4th respondent was determined at Rs.3,26,438/-. It is the case of the petitioner that being a Secured Creditor, the petitioner's bank is entitled to interim compensation amount determined by the Official Respondents.

3. Mr.A.Selvendran, learned Special Government Pleader, who is taking notice for the respondents 1 to 3 would submit that even in the order determining the interim compensation it was clearly mentioned that in view of the dispute between the petitioner and 4th respondent, the interim compensation amount was directed to be deposited before the Civil Court under Section 21(2) of the Tamil Nadu Highways Act. It is also stated that said amount is already deposited before the Civil Court.

4. In view of the same, the petitioner is not entitled to any relief prayed for in this writ petition, especially when the petitioner has effective remedy before the regular Civil Court.



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5. Accordingly, the Writ Petition stands dismissed with liberty to the petitioner to file appropriate application before the Civil Court to workout it's remedy. No costs.

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Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dm



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To

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S.SOUNTHAR, J.

dm

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