



WEB COPY



W.P.No.23915 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.23915 of 2024
and WMP.No.26176 of 2024

Malathy

... Petitioner

Vs.

1.The District Collector,
Dharmapuri District,
Dharmapuri.

2.The Competent Authority NHAH-7 and
Special District Revenue Officer,
Dharmapuri.

3.The Special Tahsildar, NH-844,
Office of the District Collector,
Dharmapuri.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, call for the records relating to the proceedings of the 1st respondent dated 05.09.2023 in Na.Ka.No.16440/2023/U1, quash the same and consequently direct the 1st respondent to pass an award awarding a just compensation to the petitioner



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for land measuring 30 1/4 cents in Survey No.513/2 in Viruppachipuram Village.

For Petitioner : Mr.J.Pothiraj

For Respondents : Mr.P.Sathish
Additional Government Pleader

ORDER

The petitioner has filed this writ petition challenging the order passed by the first respondent refusing to entertain request of the petitioner for payment of just compensation in respect of the land situated in Survey No.513/2 in Viruppachipuram Village, which was acquired for extension of National Highway.

2. It is the case of the petitioner that he entered into a sale agreement with one Chinnapaiyan and three others in respect of the subject land and the agreement vendor failed to execute the sale deed in favour of the petitioner as per the agreement. Hence he filed a suit for specific performance in O.S.No.215 of 2007 on the file of the District Munsif,



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Dharmapuri. The said suit was decreed on 13.10.2008 and thereafter, the petitioner filed Execution Petition in E.P.No.10 of 2006. Thereafter, Executing Court executed a sale deed in favour of the petitioner on 07.11.2019. Thus, from the averment found in the affidavit in support of the writ petition, the petitioner acquired right over the said property only on 07.11.2019. However, as seen from the impugned order, the acquisition of the subject property was made 16 years ago when petitioner did not possess any interest in the subject property. At the relevant point of time, the petitioner was only an agreement holder and it is settled law that sale agreement will not create any interest in immovable property. Hence, this court is not inclined to entertain the writ petition.

3. It is seen from the averment found in the affidavit of the petitioner that compensation amount had been already deposited before the Court. In such circumstances, it is for the petitioner to work out the remedy before the Court, in which the compensation amount is deposited by the respondents.



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4. The first respondent negated the request of the petitioner on the ground that acquisition proceedings was made 16 years back and therefore his request for enhancement of compensation could not be considered after very long time. Further, at the time of acquisition proceedings, the petitioner was not the owner of the property. Therefore, I do not find any error in the impugned order. Accordingly, this writ petition stands dismissed with liberty to the petitioner to workout his remedy before the Civil Court. No costs. Consequently, connected miscellaneous petition is closed.

22.10.2024

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

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S.SOUNTHAR, J.

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