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W.P.No.24145 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.24145 of 2024
and W.M.P.Nos.26401 and 26402 of 2024

1.Indumathi @ Delli Rani

2.V.Parthasarathy

3.V.Gnaneshwari

... Petitioners

vs.

1.The Special Tahsildar (L.A),
Tindivanam Nagari,
New Railway Project,
Office of Revenue Divisional Officer,
Tiruthani.

2.D.Adhilakshmi Ammal

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent bearing Na.Ka.No.08/2018/A1 dated 18.07.2024 and quash the same and direct the 1st respondent to refrain from initiation of coercive action against the petitioner.

For Petitioners : Mr.L.Dhamodharan

For R1 : Mr.A.Selvendran
Special Government Pleader



W.P.No.24145 of 2024

ORDER

The petitioners herein filed this writ petition challenging the order passed by the 1st respondent directing the petitioners to repay 30% of the compensation amount paid to the petitioners in respect of the acquisition proceedings taken against the land comprised in Survey Nos.154/2A, 154/2B, 158/1E, 158/1F and 158/3 situated at Vilakanampoodi Village, R.K.Pettai Taluk, Thiruvallur District.

2. It is not in dispute the entire compensation amount for the above mentioned land was paid to the petitioners. Aggrieved by the same, the 2nd respondent herein filed a writ petition in W.P.No.1040 of 2024 seeking a direction to the Official Respondent to pay 30% of the compensation amount to her on the ground that she was life estate holder of the property under a registered Settlement Deed. The petitioners were also arrayed as party respondents in the said writ petition.

3. This Court by order dated 23.02.2024 disposed of the said writ petition and passed following order:-

“10. The petitioner is a life interest holder of the property on the date of acquisition and as per settlement deed, the



W.P.No.24145 of 2024

petitioner was in possession of the property. Hence the petitioner is entitled to 30% of the award amount. The official respondent is directed to pay 30% of the award amount to the petitioner and the same may be recovered from the private respondents to whom the amount was disbursed, failing which, recover the said amount from the Revenue official concerned. The official respondent is directed to disburse the proportionate amount to the petitioner within a period of six weeks from the date of receipt of a copy of this order.”

4. In pursuance of the direction issued by this Court, the 1st respondent herein passed impugned order directing the petitioners to pay 30% of the compensation amount received by them to the 2nd respondent directly within a period of one week from the date of receipt of copy of the order. In the impugned order, it was made clear that in case of failure of the petitioners to comply with the direction, necessary action will be taken for recovery of the amount. Aggrieved by the same, the petitioners are before this Court.

5. The learned counsel appearing for the petitioners vehemently contended that order in W.P.No.1040 of 2024 was passed by this Court



W.P.No.24145 of 2024

without hearing them. Therefore, the impugned order is liable to be set aside. It is also stated that challenging the order in W.P.No.1040 of 2024, the petitioners have taken steps to file writ appeal.

6. The impugned order has been passed by the 1st respondent pursuant to the direction issued by this Court in W.P.No.1040 of 2024. Aggrieved by the same, the petitioners said to have filed writ appeal. In such circumstances, this Court is not inclined to pass any order interfering with impugned order passed by the 1st respondent, which was passed pursuant to the direction issued by this Court. Therefore, the writ petition is dismissed with liberty to the petitioners to workout their remedy in the writ appeal said to have been filed against the order in W.P.No.1040 of 2024.

7. With this liberty, the Writ Petition stands dismissed. No costs. Consequently, the connected writ miscellaneous petitions are closed.

22.08.2024

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



W.P.No.24145 of 2024

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Tindivanam Nagari,
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W.P.No.24145 of 2024

S.SOUNTHAR, J.

dm

W.P.No.24145 of 2024

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