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W.P.No.25312 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.25312 of 2024

WMP.No.27655 of 2024

Vajiravel

... Petitioner

vs.

1.The District Collector,
Dharmapuri,
Dharmapuri District.

2.The Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District.

3.The Competent Authority and
Special District Revenue Officer (Land Acquisition),
National Highways Unit II-844,
Palacode,
Dharmapuri District.

4.The Special Tahsildar,
National Highways Unit – II-844,
Palacode Taluk,
Dharmapuri District.

5.Sakthi
6.Amutha
7.Chandiran
8.Surya

1/6



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... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, restraining the respondents 2 to 4 from disbursing the compensation for the acquired land in S.No.17/B to an extent of 2164 sq.mts in S.No.17/4 to an extent of 898 Sq.mts and in 17/7 to an extent of 385 Sq.mts situated at Erranahalli Village, Palacode Taluk, Dharmapuri District pending disposal of the Civil Suit in O.S.No.165 of 2018 on the file of the Subordinate Court, Palacode, Dharmapuri District.

For Petitioner : Mr.M.R.Elavarasan

For Respondents : Mr.S.J.Mohamed Sathik
Government Advocate
for R1 to R4

ORDER

The petitioner herein seeks a direction to issue a Writ of Mandamus forbearing the respondents 2 to 4 from disbursing the compensation for the acquired land in S.No.17/B to an extent of 2164 sq.mts in S.No.17/4 to an extent of 898 Sq.mts and in 17/7 to an extent of 385 Sq.mts situated at Erranahalli Village, Palacode Taluk, Dharmapuri District pending disposal of the Civil Suit in O.S.No.165 of 2018 on the file of the Subordinate Court, Palacode, Dharmapuri District.



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2. Admittedly, the subject property belongs to the respondents 5 to 8, the petitioner entered into a sale agreement with respondents 5 to 8 on 08.02.2016. As the agreement vendor failed to execute a sale deed, as per the terms of the agreement, the petitioner filed a Civil Suit for specific performance in O.S.No.165 of 2018 on the file of the Subordinate Court, Palacode and the same is pending. In the mean time, a portion of the agreement mentioned property was acquired for extension of National Highways by the respondents 1 and 3. It is the case of the petitioner that official respondents are making arrangements to disburse the compensation amount to the agreement vendors namely the respondents 5 to 8.

3. The learned counsel appearing for the petitioner submits that if the compensation amount is disbursed to the agreement vendors, the petitioner will go remediless.

4. It is seen from the typed set of papers, the petitioner already submitted a representation before the respondents 1 and 3 requesting the official respondents not to disburse the compensation amount till the rights of the parties are decided by the Civil Court.



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5. Without going into the merits of the claim made by the petitioner and his entitlement to receive compensation, this Court is inclined to direct the 3rd respondent to consider the representation submitted by the petitioner dated 16.09.2019 in the light of Section 3(H) (4) of National Highways Act and pass final orders within a period of six weeks from the date of receipt of a copy of this order.

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

29.08.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
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Dharmapuri District.



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S.SOUNTHAR, J.

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