



WEB COPY



W.P.No.35420 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.35420 of 2024

N.Pasupathi

... Petitioner

Vs.

1.The District Collector
Tiruppur District, Tirupur.

2.The District Revenue Officer
Tiruppur District, Tirupur.

3.Authorized Officer And Special District Revenue Officer
Land Acquisition Officer,
Tamil Nadu, Road Development Project, Unit II, Salem- 5.

4.The Special Tahsildar
Land Acquisition, Tamil Nadu, Road Development Project,
Room No.418, Collector Office, Tirupur.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, Directing the 1st respondent to consider the representation and deposit the entire compensation amount in the court in O.S. No. 189 of 2019 before the District Munsif Court, Dharapuram or in any other competent court as the authority concerned may deem fit based on the representation made by the petitioner on 05.10.2023.



For Petitioner : M/s.V.Balamurugane

For Respondents : Mr.A.Selvendran, Spl.GP.
for R1 to R4.

ORDER

The petitioner has approached this Court seeking a mandamus to the 1st respondent to consider the representation of the petitioner dated 05.10.2023 and deposit the entire compensation to the credit of the suit O.S.No.189/2013, on the file of the District Munsif, Dharapuram.

2. The petitioner would submit that the property in question had been settled in favour of one Mayilathal, wife of Nachimuthu Gounder under a registered settlement deed dated 24.03.1975 by one Ramasamy Goundner and Nachimuthu Gounder. The said Mayilathal had died intestate on 15.03.1979 and the petitioner's father being one of her legal heirs, was entitled to a share. The petitioner's father also died on 17.09.2022 leaving behind the petitioner and his mother as his surviving legal representatives. The petitioner would submit that the property which is the subject matter of the above writ petition was



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acquired by the Government under the provisions of Tamil Nadu Highways Act 2001 and an award was passed on 26.05.2017.

Meanwhile, the petitioner's half brother's son Sudishkumar had filed a suit O.S.No.189 of 2019, on the file of the District Munsif, Dharapuram against the respondents 3, 4, the petitioner's father and the other half brother, Somasundaram. The relief claimed in the said suit was to pay Sudishkumar a sum of Rs.79,608/- as compensation for his 1/3rd share. The said suit is still pending.

3. The petitioner would submit that though the award has been passed as early as on 26.05.2017, the compensation amount has not been deposited in the Court. As per the provisions of section 21(2) of the Tamil Nadu Highways Act, 2001, when there is any dispute regarding the apportionment of the compensation, the District Collector may refer the dispute for the decision of the Civil Court. However, the same has not been done. Therefore, the petitioner had made a representation on 05.10.2023 to the respondents to deposit the entire compensation amount to the credit of suit O.S.No.189 of 2019, on the file of the District Munsif Court, Dharapuram. However, the



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same has not been considered to date. Aggrieved by the same, the petitioner is before this Court.

4. Heard the counsels on either side.

5. Admittedly, there appears to be some conflicts with reference to the apportionment of the compensation and the matter is already the subject matter of a suit. Till the right to claim compensation is not determined by the Civil Court, the granting of compensation to one party could cause future complications. Therefore, the Writ Petition is allowed with a direction to the respondents to deposit the entire compensation amount to the credit of the suit O.S.No.189 of 2019 on the file of the District Munsif Court, Dharapuram within a period 4 weeks from the date of receipt of a copy of the order. No costs.

29.11.2024

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No



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To

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