



W.P(MD)No.478 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.478 of 2024

T.Rajaa

... Petitioner

-Vs-

1.The District Collector,
Dindigul District,
Dindigul.

2.The District Revenue Officer,
Dindigul District,
Dindigul.

3.The Special Tahsildar,
National Highway Authority,
Dindigul.

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondents No.1 to 3 to disburse the compensation amount of Rs. 30,80,894/- to the petitioner with regard to acquisition of his land and the house situated therein in an extent of 426 sq. mt. in S.No.694/5 and 694/6A situated at Palakkanoothu Village, Dindigul West Taluk, Dindigul District by considering the petitioner's representation dated 01.12.2023 and for other reliefs.



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For Petitioner : Mr.S.Harish
For Respondents : Mrs.K.Christy Thebaral
Addl. Govt. Pleader

ORDER

This writ petition is filed seeking for issuance of a Writ of Mandamus directing the respondents to disburse the compensation amount of Rs. 30,80,894/- to the petitioner with regard to acquisition of his land and the house situated therein measuring an extent of 426 sq. mt. in S.No.694/5 and 694/6A situated at Palakkanoothu Village, Dindigul West Taluk, Dindigul District, by considering his representation dated 01.12.2023 and for other reliefs.

2. Mrs.K.Christy Theboral, learned Additional Government Pleader takes notice for the respondents. By consent, this writ petition is taken up for final disposal at the admission stage.

3. It is stated by the petitioner that a portion of land measuring an extent of 426 square metres belonging to the petitioner has been acquired by the respondents. After completing the acquisition, the third respondent has fixed a sum of Rs.30,80,894/- as compensation towards the petitioner's land.



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However, the third respondent is dragging the disbursement of the said compensation amount citing an objection made by the petitioner's sisters in this regard. Hence, the petitioner sent a representation dated 01.12.2023 to the respondents requesting them to disburse the compensation amount. Since no action has been taken, the petitioner has filed the present writ petition.

4. The learned counsel appearing for the petitioner would submit that the property in question originally belonged to the petitioner's mother and she executed a gift deed to the petitioner on 28.01.2008. Thereafter, on 20.02.2008, at the inducement of the petitioner's sisters, the gift deed dated 28.01.2008 has been cancelled. Thereafter, on 27.07.2008, the petitioner's mother died. After her demise, the petitioner came to know the cancellation of gift deed. Hence, the petitioner filed a writ petition in W.P(MD)No.26428 of 2022 to declare the deeds of cancellation of settlement deeds executed by his mother as null and void. This Court, vide order dated 30.10.2023, set aside the cancellation deed. He would further submit that in view of the order passed in W.P(MD)No.26428 of 2022, the petitioner has become absolute owner of the land. Hence, he seeks compensation. In this regard,



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he sent a representation. However, no action has been taken. Hence, the present petition.

5.The learned Additional Government Pleader appearing for the respondents would submit that the third respondent has sent a letter dated 17.10.2023 to the Principal District Judge, Dindigul seeking permission of the learned Principal District Judge, Dindigul to deposit the compensation of Rs.30,80,894/- before the said Court, since there is a dispute between the family members. She would further submit that on 23.10.2023, the compensation amount has been deposited before the said Court.

6. Heard both sides and perused the materials available on records.

7. It is seen that the petitioner's mother had executed a gift deed to the petitioner on 28.01.2008 and on 20.02.2008, at the inducement of the petitioner's sisters, it was cancelled. On 27.07.2008, the petitioner's mother died. Thereafter, the petitioner filed a writ petition in W.P(MD)No.26428 of 2022 to declare the deeds of cancellation of settlement deeds executed by his mother as null and void. Thereafter, on 17.10.2023, the third respondent



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sent a letter to the Principal District Judge, Dindigul seeking permission to deposit the compensation of Rs.30,80,894/- before the said Court, since there is a dispute between the family members. Thereafter, this Court, on 30.10.2023, set aside the cancellation deed. However, it is stated by the respondents that pending writ petition in W.P(MD)No.26428 of 2022, on 23.10.2023 they have deposited the compensation before the Principal District Court, Dindigul, which is absolutely wrong. Further, it is seen that no appeal has been preferred as against the order dated 30.10.2023 made in W.P(MD)No.26428 of 2022.

8. Therefore, in view of the order passed in W.P(MD)No.26428 of 2022, the petitioner has become absolute owner of the land. Hence, the respondents are directed to disburse the compensation amount to the petitioner within a period of eight weeks from the date of receipt of a copy of this order. The sisters of the petitioner are at liberty to approach the competent civil Court, if they are so advised. The petitioner is directed to give an undertaking to the respondents that he will abide by any observation being passed by the competent civil Court.



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costs.

9. With the above directions, this writ petition is disposed of. No

10.01.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

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To

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Dindigul.

2.The District Revenue Officer,
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