



W.P(MD)No.3708 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 26.02.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3708 of 2024

Thangamudi

... Petitioner

Vs.

1.The District Collector,
Tenkasi District,
Tenkasi.

2.The Special District Revenue Officer,
National Highways No.744,
Virudhunagar,
Virudhungar District.

3.The Project Director,
National Highways No.744,
Nagercoil,
Kanyakumari District.

4.The Special Tahsildar (Land Acquisition Division),
National Highways No.744, Unit -6,
Sivagiri,
Tenkasi District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 23.01.2024 and to grant compensation to the petitioner for the lands situated in Survey No. 45/2A1 and 45/2C of Subramaniapuram Village, Sivagiri Taluk, Tenkasi District which was acquired for laying of National Highways No.744 by the fourth respondent stands in the name of the petitioner's father Arunagiri Nadar within a time stipulated by this Court.

For Petitioner : Mr.V.Sasi Kumar

For Respondents : Mr.K.Selvaganesan
Additional Government Pleader
for R.1, R.2 & R.4

Mr.Su.Srinivasan for R.3

ORDER

Heard both sides.

2.It is not in dispute that the petition mentioned lands had been acquired under the provisions of the National Highways Act, 1956. The petitioner wants the respondents to pay compensation without delay.



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3. When the matter was taken up for hearing, the learned Additional Government Pleader clarified that since rival claim was received from one PonDharmar, the compensation could not be disbursed to the petitioner. Counter affidavit has been filed by the fourth respondent.

Paragraph 5 of the counter affidavit reads as follows:

“5. It is further stated that the writ petitioner as well as one PonDharmar claimed the compensation and both of them claims right over the subject land, the 4th respondent was unable to disburse the compensation with regard to the patta number 692 and 2956 in Subramaniyapuram Village, Sivagiri Taluk. As per the advice of the other respondents the 4th respondent decided to deposit the compensation amount before the LAOP Proceedings. The 4th respondent undertake to deposit the compensation amount within a period of four weeks.”

In these circumstances, the authority cannot afford to delay the matter.

4. The second respondent is directed to make reference under Section 3-H(4) of the National Highways Act, 1956 immediately and without delay. As and when reference is received by the jurisdictional Court, it shall be numbered immediately and notices shall be issued to the petitioner, as well as the rival claimants and other interested persons if any. The reference shall be answered within eight months after such



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numbering. Based on the decision of the civil Court, the compensation amount can be withdrawn. In the meanwhile, the compensation amount shall be deposited to the credit of LAOP.

5.This writ petition is disposed of accordingly. There shall be no order as to costs.

26.02.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

Note: Issue order copy on 13.03.2024.

To

- 1.The District Collector,
Tenkasi District,
Tenkasi.
- 2.The Special District Revenue Officer,
National Highways No.744,
Virudhunagar,
Virudhunagar District.
- 3.The Project Director,
National Highways No.744,
Nagercoil,
Kanyakumari District.

4/5



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4.The Special Tahsildar (Land Acquisition Division),
National Highways No.744, Unit -6,
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