



W.A.(MD) No.1318 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.08.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A.(MD) No.1318 of 2024
and
C.M.P.(MD) Nos.10273 & 10276 of 2024**

P.Ramamoorthy

... Appellant

-VS-

1.The Sole Arbitrator / District Collector,
National Highways 744-A,
Collectorate, Madurai.

2.The Competent Authority Cum
District Special Revenue Divisional Officer,
(Land Acquisition) National Highways 744-A,
Door.No.5A, Baskar Complex,
Besant Road, Chinnachokkikulam,
Madurai – 2.

Marikanpandian (Died)

3.Ramaraja, S/o.Late. Parimalapandian

4.Lakshmanaraja, S/o.Late. Parimalapandian

5.Inbavalli, D/o.Late. Parimalapandian

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6.Kalavathy, D/o.Late. Parimalapandian

7.Thilagarani, W/o.Late. Marikan Pandian

8.Vimala, D/o.Late. Marikan Pandian

9.Nirmala, D/o.Late. Marikan Pandian

10.Sakkesh, S/o. Late. Marikan Pandian ... Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 11.12.2023, passed in W.P.(MD) No.17347 of 2020, on the file of this Court.

For Appellant : Mr.K.Rajeshwaran

For R1 & R2 : Mr.S.R.A.Ramachandran
Additional Government Pleader

J U D G M E N T

[Judgment of the Court was made by R.SUBRAMANIAN, J.]

The challenge in the Writ Petition was to the order dated 23.10.2020, in and by which, the claim of the appellant / petitioner that he has been cultivating the land in question as a cultivating tenant was rejected on the ground that the lease deed that has been produced by him had expired as early as on 30.04.1963.



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2. The learned Single Judge had dismissed the Writ Petition finding that the petitioner has no proof that he continued to cultivate the land even as on date of the acquisition and a suit filed by him for permanent injunction is pending. Admittedly, the petitioner is not a registered tenant under the provisions of the Tamil Nadu Agricultural Lands Record of Tenancy Rights Act, 1969.

3. The Writ Court is not the forum, where the question as to whether the petitioner is a tenant or not could be decided. It is now stated by the learned counsel for the appellant that with regard to payment of enhanced compensation, there has been a reference made by the Authority under Section 3H of the National Highways Act, 1956, which provides a machinery for determination of the person, who is entitled to compensation.

4. In view of pendency of such proceedings, we are unable to fault the learned Single Judge for having dismissed the Writ Petition. It will be open for the appellant / petitioner to claim compensation, if he is able to succeed either in the proceedings initiated under Section 3H of the National Highways Act, 1956 or in the suit pending before the Civil Court.



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Therefore, it is accordingly dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

NCC : No
Index : No
Internet : Yes
smn2

[R.S.M., J.] [L.V.G., J.]
06.08.2024

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