



W.P(MD)No.5774 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5774 of 2024

M.Francis Sahayam

... Petitioner

Vs.

- 1.The District Collector,
District Collector Office,
Collector Office Campus,
Sivagangai – 630 562,
Sivagangai District.
- 2.The Special District Revenue Officer
(Land Acquisition),
O/o.The Special District Revenue Officer
(Land Acquisition),
National Highway Thanjavur to Manamadurai
(NH226),
Collector Office Campus,
Pudukottai,
Pudukottai District.
- 3.The Special Tahsildar (Land Acquisition),
O/o.The Special Tahsildar,
National Highway Thanjavur to Manamadurai
(NH226),



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Thirupathur Road,
Sivagangai Town,
Sivagangai District.

... Respondents

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 disperse compensation amount for the acquired land to the extent of 82.52 Sq. mtr land in Plot No.11A, comprised Survey No.89/1 in Senthilandavar Nagar, Kottakudi Group, Sivagangai Taluk, Sivagangai District as per the petitioner's representation dated 28.12.2023 within the time limit as fixed by this Court.

For Petitioner : Mr.N.Tamilmani

For Respondents : Mr.M.Lingadurai
Special Government Pleader

ORDER

Heard both sides.

2.The land measuring an extent of 4.5 sq.mts belonging to the petitioner was acquired. It appears that 82.52 sq.mts of land had been taken by the respondents additionally for incidental purposes. However, formal acquisition notification has not been issued so far. The



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respondents were confident that the issue can be clinched through the private negotiation. The private negotiation could not get concluded on account of dispute raised by one Periyasamy. The said Periyasamy filed a bare injunction suit in O.S.No.109 of 2018 on the file of the District Munsif Court against one Oyyanan. The petitioner got himself impleaded in the said suit. The suit has now suffered dismissal for default. Restoration steps are said to have been taken by the said Periyasamy.

3.The third respondent is directed to issue the necessary notifications under National Highways Act, 1956 and also determine the amount payable as compensation. This exercise shall be completed by the respondents within a period of three months. If there is no dispute on that date when the compensation amount is determined, the amount shall be paid accordingly. If any dispute still remains or arises, reference shall be made by the competent authority to the Principal civil Court of original jurisdiction immediately. The deposit of the compensation amount as well as the reference will be made within one month after the award is passed. Reference Court is directed to take the reference on file and answer the same within a period of one year thereafter.



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

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

To

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G.R.SWAMINATHAN, J.

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