



W.P(MD)No.8195 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.8195 of 2022

and

W.M.P.(MD)Nos.6108 and 6109 of 2022

R.Palanisamy

... Petitioner

Vs.

1.The Project Director,
National Highways Authority of India,
Dindigul.

2.The Special District Revenue Officer,
(Land Acquisition),
No.209-National Highways,
Dindigul.

3.The Special Tahsildar,
(Land Acquisition),
No.209-National Highways,
Dindigul.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned order issued by the 2nd Respondent in



W.P(MD)No.8195 of 2022

Na.Ka.No.935/2020/A1 dated 10.05.2021 and quash the same with respect to the order of withholding the land acquisition compensation amount due to the Petitioner and consequently directing the 2nd Respondent to pay the compensation amount due to the Petitioner for the land acquired by the Respondents.

For Petitioner : Mr.S.Sades Kumar

For Respondents : Mr.V.Nirmal Kumar
Government Advocate for R2 & R3.
Mr.Su.Srinivasan,
Standing Counsel for R1.

ORDER

Heard both sides.

2.The land belonging to the petitioner was acquired under the provisions of National Highways Act, 1956. An award had already been passed. However, the compensation amount could not be disbursed to the petitioner in view of the objection raised by one Santhana Krishnan. He has issued legal notice stating that the attachment order was passed in I.A.No.194 of 2018 in O.S.No.152 of 2017 on the file of the Sub Court, Mettupalayam. The learned



W.P(MD)No.8195 of 2022

counsel for the petitioner points out that the suit itself was decreed on 13.06.2018 and that therefore, the attachment is no longer holding good. It appears that Santhana Krishnan filed a money suit against the petitioner's son / Senthil Kumar and in that suit, the attachment order came to be passed. The suit had been decreed by directing Senthil Kumar to repay a sum of Rs.7,53,333/- with interest. If Santhana Krishnan had been impleaded in this case, I could have given comprehensive relief now itself. The said Santhana Krishnan is not available before me.

3.The second respondent is directed to issue notice to Santhana Krishnan, the plaintiff in O.S.No.152 of 2017 on whose behalf legal notice was issued by Advocate Mr.Sivapugazh. Such notice will be issued within a period of seven days from the date of receipt of a copy of this order. Enquiry will be held on 02.04.2024 at 03.00 pm. If Santhana Krishnan is not in a position to show any subsisting order of attachment, the entire compensation amount shall be disbursed to the petitioner. If there is some ambiguity, the second respondent will withhold the amount in dispute and release the balance amount in favour of the petitioner. In any event, the entire exercise shall be completed within a period of two weeks thereafter.



W.P(MD)No.8195 of 2022

WEB COPY

4.This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

11.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

Issue order copy on 13.03.2024.

To:-

- 1.The Special District Revenue Officer,
(Land Acquisition),
No.209-National Highways,
Dindigul.
- 2.The Special Tahsildar,
(Land Acquisition),
No.209-National Highways,
Dindigul.



WEB COPY



W.P(MD)No.8195 of 2022



WEB COPY



W.P(MD)No.8195 of 2022

G.R.SWAMINATHAN, J.

ias

W.P(MD)No.8195 of 2022

11.03.2024