



W.P(MD)No.12089 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.12089 of 2024

M.R.Thangavel

... Petitioner

Vs.

1.The Competent Authority /
The District Revenue Officer,
District Collectorate, Karur.

2.The Project Director,
National Highway Authority of India,
No. 11/1, Kongunagar East,
Back Side of Appasamy Appartment,
Ramanathapuram Post,
Coimbatore 641 045.

3.The Special Tahsildar (LA),
National Highways 67,
Trichy - Karur Division,
Karur 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 herein to disburse the award amount with accrued interest to the petitioner in respect of the land acquired in Survey No.321 (Presently S.No.321/1 after Sub-Division) Thennilai South Village, Aravakurichi Taluk, (Presently Pugalur



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Taluk), Karur District pursuant to the award of the 2nd respondent made in Rc./6522/2009) L.A.NH-67) dated 09.03.2009 within a time frame as fixed by this Court.

For Petitioner : Mr.K.Gnanasekaran

For Respondents : Mr.P.T.Tambidurai,
Government Advocate for R1 & R3.
Mr.Su.Srinivasan for R2.

ORDER

Heard both sides.

2.The land belonging to the petitioner was acquired under the provisions of the National Highways Act. It is seen that award was also passed. Since the petitioner failed to make his claim, the award amount was handed over to State authority. Paragraph Nos.5 and 6 of the counter affidavit filed by the second respondent read as follows:-

“5.It is submitted that an additional amount calculated, at 10% of the compensation amount has been paid to the land owners in accordance with section 3G (2) of the National Highways Act, 1956. (48 of 1956) Based on the materials produced during the course of enquiry under section 3G(3) of the said act and after perusing the Village Accounts and



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other connected records, the first respondent has passed the award It is submitted that following are details the land owners in SF No.321/1, Thenniali (South) village.

Sl. No.	Survey No.	New Sub-Division No.	Classification	Total Extent	Area acquired (In sq. mt)	Pattadars as per Chitta	Actual Land Owners identified as per records and enquiry	Individual Extended Owned
1	321	321/1	Dry	5.26.0	2502	1.Muthusamy Gounder S/o.NachimuthuGounder 2.Balausbramaniyan S/o.Sokkalingam 3.PonnusamyGounder S/o.Gounder Muthusamy 4.Ramasamy S/o.MarimuthuGounder 5.Thangavel, S/o.PalanisamyGounder 6.Duraisamy S/o.NachimuthuGounder 7.Thangavel, S/o.Rajalingam 8.Thangavel 9.Palanisamy 10. Ramasamy 11. Nachumuthu 12.Muthusamy 13. Sokkalingam 14. Muthusamy 15.Balasubramaniyam S/o Ponnusamy 16.Soranammal W/o.Muthusamy	1.Muthusamy Gounder S/o.NachimuthuGounder 2.Balausbramaniyan S/o.Sokkalingam 3.PonnusamyGounder S/o.Gounder Muthusamy 4.Ramasamy S/o.MarimuthuGounder 5.Thangavel, S/o.PalanisamyGounder 6.Duraisamy S/o.NachimuthuGounder 7.Thangavel, S/o.Rajalingam 8.Thangavel 9.Palanisamy 10. Ramasamy 11. Nachumuthu 12.Muthusamy 13. Sokkalingam 14. Muthusamy 15.Balasubramaniyam S/o Ponnusamy 16.Soranammal W/o.Muthusamy	2502

6.It is respectfully submitted that this office vide letter dt.08.05 2024, had requested the 1st respondent to conduct a detailed enquiry with Shri M.R.Thangavel, the Writ Petitioner herein and other land owners referred to in Patta No.1519 of Thennilai South village since the 1st respondent while passing the Award during the year 2009 vide Award



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ASOVGA Proceedings No.16522/2009 LANH-67 01.09.03.2009 stated that there are 16 land owners who are the land owners for the extent of 2502 sqm. which was acquired for the project road and that none of the land owners have appeared for the Award enquiry conducted and that the ownership of the land could not be decided Therefore it is submitted if the Petitioner had appeared for it 3-G(3) enquiry, the 1 Respondent could have paid the compensation as per the provisions of the NH Act, 1956. It is submitted that the office of the PD, NHAI, Karur has been disbanded and the remnant items of work are being attended to by the PD, NHAI, PIU, Coimbatore pertaining to this stretch. The construction work was already over and the stretch has been handed over to state NH wing of Go TN Divisional Engineer, National Highway, Karur in the years 2019.”

Now that that the petitioner has made his claim, it is the duty of the first respondent to make disbursement to the petitioner. It is for the respondents to co-ordinate amongst themselves in this regard. I am conscious that there would be several procedural formalities to be complied with. That may take time. The petitioner has after all come before this Court only in June 2024.

3.I direct the first respondent to disburse the amount payable to the petitioner within a period of four months from the date of receipt of a copy of this order. It is for the first respondent to coordinate with the respondents 2 and 3 in this regard.



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4.The writ petition is allowed on these terms. No costs.

26.07.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

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The District Revenue Officer,
District Collectorate, Karur.
- 2.The Special Tahsildar (LA),
National Highways 67,
Trichy - Karur Division,
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G.R.SWAMINATHAN, J.

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