



W.P.(MD)No.15306 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.15306 of 2024

B.Mariyammal

... Petitioner

Vs

1. The District Collector,
Dindigul, Dindigul District.

2. The Special Tahsildar (Land Acquisition),
National Highways,
No. 209, Unit-I,
Dindigul District.

3. Kaliya Moorthy

4. Vadivel

5. Chokkalingam

6. Palanichamy

7. Sakaravarthi

8. Paramasivam

9. Parvathy

10. Ramanan



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11. Vani

12. Sudha

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 2nd Respondent to deposit the compensation award amount for the acquired lands in Survey No. 16/2A and Survey No. 90/2C2 having an extent of 250 sq.m. and 125 sq.m respectively at Morpatti village, Vendasandur taluk, Dindigul District to the credit of O.S.No. 124 of 2011, on the file of the Principal District Munsif, Vendasandur within the time frame fixed by this Court.

For Petitioner : Mr.C.Prithviraj

For Respondents : Mr.D.Sadiq Raju (R1,R2)
Special Government Pleader

Ms.B.Deepa (R3,R6, 8 to 12)

No Appearance (R4,5,7)

ORDER

This Writ Petition has been filed challenging the impugned order of the 1st Respondent in No. 35/2018 dated 21.5.2018 and to quash the same and consequently directing the 1st Respondent to delete the Petitioners property situated in New Survey No. 1003/1B measuring an extent of 1.80 Acres in the Schedule of the Four registered documents viz., (1) Doc.No. 169/2009, (2) Doc. 951/2009, (3) Doc. No. 203/2009 and (4) Doc. No. 1155/2009 on the file of the 1st Respondent.



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2.Heard Mr.C.Prithviraj, the learned counsel appearing for the petitioner, Mr.D.Sadiq Raju, learned Special Government Pleader appearing for the respondents 1 &2 and Ms.B.Deepa, learned counsel appearing for R3, R6, R8 to 12. Perused the materials available on record.

3.This writ petition has been filed seeking a direction to the second respondent to deposit the compensation award in respect of land acquisition pertaining to lands in S.No.90/2C2 and 16/2A.

4.The petitioner has filed a suit as against the private respondents in O.S.No.124 of 2011 on the file of Principal District Munsif Court, Vendasandur. In that suit, preliminary decree has already been passed and now, the matter is pending for allotment of shares as per final decree. Therefore, the co-owners are also entitled for compensation. Hence, seeks direction to the 2nd respondent to deposit the compensation award amount in the pending suit.

5.The learned counsel appearing for the respondents 3, 6, 8 to 12 submitted that they have no objection for making such deposit to the credit of pending suit.



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6.It is only the contention of the learned Special Government Pleader appearing for the respondents 1 & 2 that the 4th respondent has given an objection to make such deposit. Further, till the final decree is passed, it is not feasible to deposit the said amount.

7.Despite service of notice to the respondents 4, 5 & 7 and name printed in the cause list, none appeared.

8.This Court is not concerned about the contention raised by the 2nd respondent, since it is for the co-owners to decide the manner in which the compensation amount shall be apportioned. Moreover, the 4th respondent is not appeared before this Court and remains unrepresented.

9.In view of the above, let the second respondent is directed to deposit the compensation award amount for the acquired lands in S.Nos.16/2A & 19/2C2 to the credit of O.S.No.124 of 2011 on the file of Principal District Munsif Court, Vedasandur. On such deposit, the concerned Civil Court is directed to deposit the same in any interest bearing account in anyone of the Nationalised Bank till the final decree is being passed, within a period of one month, from the



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date of deposit.

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10. With the above directions, this writ petition stands disposed of.

There shall be no order as to costs.

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NCC : Yes/No
Index : Yes/No
PNM

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N.SATHISH KUMAR, J.

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ORDER IN

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