



W.P.(MD)No.17881 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.12.2024**

CORAM:

THE HONOURABLE **MRS.JUSTICE N.MALA**

W.P.(MD)No.17881 of 2019

and

W.M.P.(MD)No.14347 of 2019

Sirajudin

...Petitioner

/Vs./

1. The District Collector,
Ramanathapuram District,
Ramanathapuram – 623 503.
2. The Regional Director,
National Highways Authority of India,
Regional Office, 2nd and 3rd Floor,
Vijayakrishna Plaza, No.1,
Lake Area, Madurai Melur Main Road,
Madurai.
3. The Special District Revenue Officer,
(LA NH 210 and 49),
Sethupathu Nagar, District Collector Office Campus,
Ramanathapuram – 623 503.
4. The Special Tahsildar,
LA NH49 Unit I and II,
The Tahsildar Office, Paramakudi Taluk,
Ramanathapuram – 623 701.



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5. V.Bose
6. R.Dinakaran
7. K.Angusami

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 to 4 herein to consider the petitioner's representation dated 18.07.2019.

For Petitioner : Mr.P.V.Selvakumar

For Respondents : Mr.A.Kannan (R1, R3 & R4)

Additional Government Pleader

Mr.J.Bharathan (R7)

ORDER

This writ petition has been filed seeking for a direction to the respondents 1 to 4 herein to consider the petitioner's representation dated 18.07.2019.

2. Heard the learned counsel on either side and perused the materials placed before this Court.

3. The petitioner is the owner of the lands S.Nos.57/5 measuring to an extent of 7 acres 43 cents, S.No.60/4 measuring to an extent of 2



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acres 70 cents and S.No.60/3 measuring to an extent of 1 acre 57 cents totally 11 acres 70 cents, situated in Kuyavankudi Village, Ramanathapuram Taluk, Ramanathapuram District. While this being so, the petitioner's land measuring to an extent of 9121 sq.mt in S.No.57/5, was acquired by the respondents 1 to 4 under the National Highways Act, 1956, under Acquisition notification dated 07.05.2018 and the petitioner also submitted his objections on 17.05.2018.

4. As there was some dispute on the title to the subject property, the petitioner filed a suit in OS No.59 of 2007 before the District Munsif Court, Ramanathapuram for declaration declaring that the sale deed executed in favour of the respondents 5 to 7 was null and void. As the respondents 5 to 7, who are not the owners of the property tried to receive the compensation amount, the petitioner submitted a representation on 18.07.2019, to the respondents 1 to 4 not to disburse the compensation amount to the respondents 5 to 7. As the representation was not considered, the petitioner filed the above writ petition for the aforesaid relief.



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5. The learned counsel appearing for the petitioner submits that the suit was decreed in favour of the petitioner, against which an appeal was filed by the respondents 5 to 7, which was allowed, and therefore, the petitioner filed a second appeal in SA(MD)No.378 of 2021, which is pending adjudication before this Court. He further submitted that instead of directing the respondents to dispose of the petitioner's representation, a direction may be issued to the respondents not to disburse the amount lying in deposit of the second respondent, till the disposal of the second appeal and liberty may be given to the petitioner to approach the second respondent for getting the compensation amount subject to the result of the second appeal.

6. The learned counsel appearing for the second respondent submits that subject to the result of the second appeal, the parties may approach the second respondent for disbursement of compensation.

7. In view of the submission made by the respective counsels, liberty is given to the petitioner to approach the second respondent for disbursement of compensation, incase he succeeds in the second appeal.



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It is needless to state that incase the private respondents succeed in the second appeal, they shall be at liberty to approach the second respondent for disbursement of compensation.

8. With the above liberty, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

13.12.2024

Index : Yes / No

NCC : Yes / No

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TO:

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N.MALA, J.

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Order made in
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