



W.P(MD)No.17155 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.07.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17155 of 2024

and

W.M.P.(MD)Nos.14793 & 14794 of 2024

M.Raj Prasanna

... Petitioner

Vs.

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The Special District Revenue Officer,
Land Acquisition & Management,
Madurai.
- 3.The Revenue Divisional Officer,
Revenue Divisional Office,
Dindigul.
- 4.The Special Tahsildar,
Land Acquisition & Management,
Dindigul Urban Highways,
Dindigul.
- 5.The Commissioner,
Dindigul Corporation,
Dindigul.
- 6.The Assistant Divisional Engineer (Highways),
Office of the Assistant Divisional Engineer (Highways),
Sub Division,
Dindigul.



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7.B.Kannaiah Naidu
S/o.Bitchal Naidu
Ramasamy Naidu Trust,
5/810, CTO Colony,
Dindigul.
(R7 is suo motu impleaded
by this Court vide order dated 30.07.2024)

... 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 passed by the 2nd respondent in Na.Ka.No. 115/2022/S.H.3, dated 16.10.2023, in so far as it directs to order for court deposit or revenue deposit in so far as the compensation determined in respect of T.S.No. 69, an extent of 371 sq. m. in Trichy Road, Dindigul and the consequential impugned order passed by the 6th respondent in Ku.No. Kadavu No. 6/2023/E.Ni.Vu, dated 12.07.2024, quash the same, and direct the respondents 1 and 2 to pass orders granting the compensation amount of Rs. 1,09,91,082/- to the petitioner as determined by the proceedings dated 16.10.2023, within a time frame fixed by this Court.

For Petitioner : Ms.J.Anandhavalli

For Respondents : Mr.K.Balasubramani
Special Government Pleader for R1 to R4 & R6

: Mr.J.Lawrance
Standing Counsel for R5

: Mr.H.Lakshmi Shankar for R7



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ORDER

Heard both sides.

2. The petition mentioned property is the subject matter of the acquisition proceedings. It is not in dispute that the property belongs to Ramasamy Naidu Trust. The petitioner claims that he is the managing trustee. This claim is contested by the seventh respondent. It is not in dispute that the award has been passed by the Special District Revenue Officer / second respondent. The amount payable has also been determined. However, the award has been passed in the personal name of the petitioner. When admittedly the property is a Trust property, I fail to understand as to how the award could have been passed in the individual name of the petitioner.

3. The second respondent is directed to deposit the entire award amount in the name of Ramasamy Naidu Trust. A special account shall be created with the Indian Bank of Madurai High Court Branch. Since the parties are locked in litigation, the disbursement of the withdrawal from the said account will depend on the order to be passed by the jurisdictional Court. The petitioner's counsel states that the Trust owns around 26 thousand square feet. 371 square



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meters of land has been acquired. Proper survey shall be conducted for demarcating the acquired land. Only the shops standing in the acquired portion shall be demolished. It is undertaken by the official respondents that survey will be conducted on 03.08.2024 from 09.00 am onwards. The parties will not receive any independent notice.

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

30.07.2024

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

- 1.The District Collector,
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Dindigul.
- 2.The Special District Revenue Officer,
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Madurai.
- 3.The Revenue Divisional Officer,
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- 4.The Special Tahsildar,
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Dindigul Urban Highways,
Dindigul.



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5. The Assistant Divisional Engineer (Highways),
Office of the Assistant Divisional Engineer (Highways),
Sub Division,
Dindigul.



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G.R.SWAMINATHAN, J.

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30.07.2024