



WMP(MD). No.22397 of 2024

WEB COM BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Wednesday, the Sixth day of November Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

WMP(MD). No.22397 of 2024

in

W.P.(MD)No.475 of 2020

S.V.K. Chandra

... Petitioner/Third Party

Vs

1. M.P.R. Malayandi @ Ashok ...1st Respondent/ Petitioner
2. The District Collector,
Madurai District.
3. The Competent Authority/
Special District Revenue Officer Madurai
Land Acquisition Nh 785 785e and 85
Madurai District Collectorate,
Madurai.
4. The Project Officer,
National Highways,
Madurai Natham Highway Project,
Lake Area Madurai.
5. T. Ravichandran @ Annaikutty,
6. S.Amutha
7. S. Thavatamil
8. S.Tamilmani @ Sathishprabhu ... Respondent/Respondent/Complainant



Prayer in WMP(MD). No.22397 of 2024 :-

Writ Miscellaneous Petition Under Article 226 of the Constitution of India to grant leave to file the petitioner to file this petition in W.P.(MD).No. 475/2020, relates to the quashing of the impugned order in Na.Ka.NO. 249/2019/A1 dated 03.10.2019.

Prayer in WP(MD). 475/ 2020 :-

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to calling for the records pertaining to the impugned order passed by the 2nd respondent dt 25.9.2019 in Na.Ka.no.26714/2018/P3 and orders dt 3.10.2019 in Na.Ka.no.249/2019/A1 and quash the same and consequently direct the 2nd respondent to disperse the compensation amount to the petitioner towards the acquisition of the properties comprised in S.No. 56/1, 57/1A,57/4A, 57/5A, 59/1B, 59/6B, 59/9B, 59/10A, 60/5A1, 7/6A , situated in peryapatti village, manthikulam village and Kavanoor village, Madurai North tk Madurai District.

ORDER:- This Miscellaneous Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Thiru. Mr.R.Suriya Narayanan, Advocate for the Petitioner and of Thiru.N.S.Karthikeyan For 1st Respondent, Mr.M.Muthumanikkam, Government Advocate for 2nd 3rd Respondents, Mr.S.Sankarapandi For Mr.Arul Vadivel Associates For 4th Respondent and Mr.Jinnah For 5th Respondent, this Court made the following order:

This petition has been filed seeking for leave to the petitioner to recall the order passed in W.P.(MD).No.475 of 2020, dated 29.11.2023.

2. Heard the learned counsel on either side.

3. The sum and substance of the grievance expressed by the learned counsel

appearing for the petitioner is that the petitioner herein has 1/7th share in one of the



property that is a subject matter in W.P.(MD).No.475 of 2020 i.e., Survey No.7/6 and that a partition suit has been filed by the petitioner, which is now pending in O.S.No.159 of 2021 before the Sub Court, Melur and while so, the writ petitioners are attempting to take away the entire amount without giving the share of the petitioner herein.

4. In the considered view of this Court, the suit was instituted by the petitioner herein in the year 2005 seeking for partition of certain properties in which (*)**Survey No.7/6A**, measuring an extent of 1 Acre and 92 Cents also forms part. Ultimately, the petitioner herein has to succeed in that suit for the purpose of getting a share. Therefore, an appropriate order can be passed in this petition by safeguarding the right of the petitioner herein and at the same time without stopping the payment of the amount in favour of the writ petitioners.

5. The order passed in the Writ Petition shall stand as it is. In view of the same, the amount can be paid to the petitioners. If ultimately, the petitioner herein succeeds in the suit that is pending in O.S.No.159 of 2021 and is granted a share in the property in Survey No.7/6, whatever is the value that is ascertained towards the share of the petitioner herein shall be paid to her by the writ petitioners. While



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passing the final decree, this order shall be taken into account and the share of the petitioner herein shall be allotted by means of paying the amount that is fixed by the Court which shall be payable by the writ petitioners to the petitioner herein.

6. The above direction given by this Court will sufficiently take care of the interest of the petitioner herein.

7. This Writ Miscellaneous Petition is disposed of accordingly.

Sd/-

Assistant Registrar (CS-III)

(*)Corrected as per the order of this Hon'ble Court dated 03.12.2024.

Sd/-

Assistant Registrar(C.S-III)

// True Copy //

/12/2024

Sub Assistant Registrar
(CS- I/ II / III / IV)

TSG

(*)To be substituted order copy already despatched on 13.11.2024.

TO

1. The District Collector,
Madurai District.



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2. The Competent Authority/
Special District Revenue Officer Madurai
Land Acquisition Nh 785 785e and 85
Madurai District Collectorate ,
Madurai.
3. The Project Officer
National Highways Madurai Natham Highway
Project Lake Area Madurai.
4. The Authorised officer
and Special District Revenue Officer,
Madurai.
5. The Tahsildar, O/o. The Tahsildar,
Madurai South,
Madurai.

Copy to:

1. The Principal District Judge, Madurai.
2. The Subordinate Judge, Melur.
3. The Section Officer,
Writ Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.Suriya Narayanan , Advocate (SR-13733[I] dated 08/11/2024)



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ORDER DATED : 06/11/2024

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ORDER

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WMP(MD). No.22397 of 2024

in

W.P.(MD)No.475 of 2020

Giving direction and etc.
as stated within.

RD(13/11/2024) 6P / 10C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.

KVL (17.12.2024) 6P/ 10C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.