

W.P.Nos.2036 & 2443 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 25.02.2025

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.Nos.2036 & 2443 of 2021

and

W.M.P.Nos.2308, 2310, 2757 & 2758 of 2021

W.P.No.2036 of 2021:

Y.I.Stella Rani

.. Petitioner

Vs.

1.District Collector,
Kanchipuram District,
Kanchipuram – 631 501.

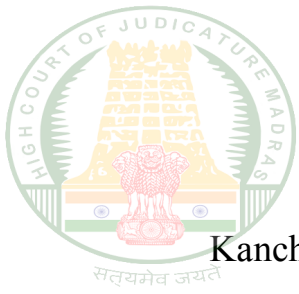
2.Special Tahsildar (LAO),
Bangalore – Chennai Expressway Unit No III,
Visalatchi Nagar,
Kanchipuram – 631 501.

3.Josephine

4.P.Thomas

.. Respondents

Prayer in W.P.No.2036 of 2021: Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus directing the 2nd respondent to recover the amounts paid to the 3rd respondent as compensation for the acquisition of property comprised in S.No.50/6 (New S.No.50/6B) in Sogandi Village, Sunguvarchatram SRO,



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Kancheepuram District admeasuring 1 Acre and 93 cents and depositing the said amounts in the manner contemplated in Rule 2(2) of the National Highways (Manner of Depositing the Amount by the Central Government with the competent authority for acquisition of Land) Rules, 1998 and further direct the 2nd respondent to refer the dispute to the competent Civil Court under Section 3-H(4) of the National Highways Act, 1956 within a timeframe to be fixed by this Court and direct the respondents 1 and 2 to pass orders on the said representation of the petitioner dated 03.12.2020 of the petitioner.

(Prayer amended vide order dated 12.03.2021 made in W.M.P.No.4687 of 2021 in W.P.No. 2036 of 2021)

W.P.No.2443 of 2021:

P.Thomas

.. Petitioner

Vs.

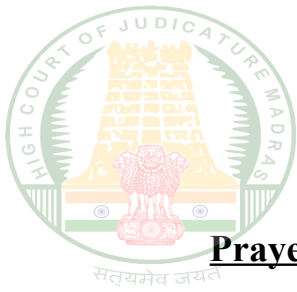
1.District Collector,
Kanchipuram District at
Kanchipuram – 631 501.

2.The Competent Authority cum Special Tahsildar (LAO),
Bangalore – Chennai Expressway Unit No III,
Visalatchi Nagar,
Kanchipuram – 631 501.

3.Josephine

4.Stella Rani

.. Respondents



W.P.Nos.2036 & 2443 of 2021

Prayer in W.P.No.2443 of 2021: Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus directing the 2nd respondent to recover the sums paid to the 3rd respondent as compensation for the acquisition of property comprised in S.No.50/6 (New S.No.50/6B) in Sogandi Village, Sunguvarchatram SRO, Kancheepuram District admeasuring 1 Acre and 93 cents and thereafter deposit the said sum in the manner contemplated in Rule 2(2) of the National Highways (Manner of Depositing the Amount by the Central Government with the Competent Authority for Acquisition of Land) Rules, 1998 and further direct the 2nd respondent to refer the dispute to the competent Civil Court under Section 3-H(4) of the National Highways Act, 1956 within a timeframe to be fixed by this Court.

(In both cases):

For petitioner(s)	:	Mr.Richardson Wilson
For R1	:	Mr.M.R.GokulKrishnan Additional Government Pleader
For R2	:	Mr.SU.Srinivasan Standing Counsel

COMMON ORDER

These writ petitions have been filed for a direction to the National Highways Department to recover the sums paid to the 3rd respondent and to refer the dispute before the competent Civil Court under Section 3-H(4) of the National Highways Act, 1956.

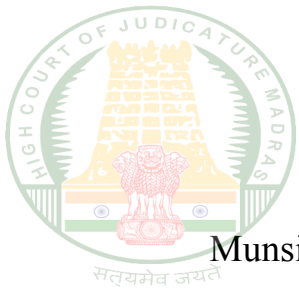


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2. Heard the learned counsel for the petitioners, learned Additional Government Pleader for the 1st respondent and the learned counsel for the 2nd respondent.

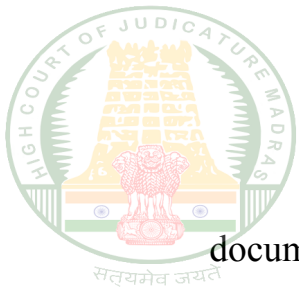
3. The case of the petitioners is that the subject property is an ancestral property which was inherited by Innachi Ammal, who is the mother of both the petitioners and the 3rd respondent in the writ petitions. The petitioners are claiming 1/3rd share in the subject property. However, it is alleged that Chinnappa Naidu, who is the husband of Innachi Ammal executed a settlement deed dated 24.10.2008 in favour of the 3rd respondent and thereby the entire property was conveyed in favour of the 3rd respondent. Hence, the petitioners are questioning the settlement deed dated 24.10.2008.

4. The property was acquired under the National Highways Act and after the determination of the compensation, the petitioners submitted their objections before the official respondents and they also brought to the notice of the official respondents that already a suit has been filed in O.S.No.192 of 2019 on the file of the Principal District Munsif, Kanchipuram, and O.S.No.148 of 2018 before the Principal District



Munsif, Sriperumbudur. In these suits, a declaration was sought for to declare the settlement deed dated 24.10.2008 is null and void and nonest and the petitioners had also sought for partition and for allotment of 1/3 share for each of the petitioner. In spite of the objections submitted by the petitioners, the compensation amount is said to have been paid to the 3rd respondent. It is under these circumstances, the present writ petitions came to be filed before this Court.

5. In the considered view of this Court, the suits are already pending before the competent Civil Court where the settlement deed executed in favour of the 3rd respondent has been put to question and the petitioners have sought for 1/3rd share each in the property. In view of the same, in order to strike a balance, this Court holds that the 3rd respondent, who has received the compensation from the Highways Department, must hold the compensation in trust on behalf of the petitioners also. If ultimately, the petitioners succeed in the suit, the 3rd respondent will be bound to pay 1/3rd share to each of the petitioner from the total compensation that was received by him. If the petitioners want to establish the fact that they had objected to the National Highways Department from paying the compensation to the 3rd respondent and want to mark the relevant



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documents, they can file an appropriate application for summoning those documents from the Highways Department and the concerned revenue authority and on such summons being issued, the relevant records shall be produced before the concerned Civil Court. This direction will sufficiently take care of the grievance expressed by the petitioners.

6.In the result, both the Writ Petitions are disposed of in the above terms and liberty is granted to the petitioners to file a transfer petition to transfer the suit that is pending in O.S.No.148 of 2018 on the file of the Principal District Munsif at Sriperumbudur to the file of the Principal District Munsif, Kanchipuram, to be tried along with O.S.No.192 of 2019. In any event, the Principal District Munsif, Kanchipuram, shall dispose of the suits within six months thereafter. Consequently, the connected Miscellaneous Petitions are closed. No costs.

25.02.2025

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No



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To
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Kanchipuram – 631 501.
- 2.Special Tahsildar (LAO),
Bangalore – Chennai Expressway Unit No III,
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Kanchipuram – 631 501.
- 3.The Competent Authority cum Special Tahsildar (LAO),
Bangalore – Chennai Expressway Unit No III,
Visalatchi Nagar,
Kanchipuram – 631 501.
- 4.The Principal District Munsif,
Principal District Munsif Court,
Kanchipuram.
- 5.The Principal District Munsif,
Principal District Munsif Court,
Sriperumbudur.

N.ANAND VENKATESH, J.



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