



W.P.No. 7459 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2025

CORAM:

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.No. 7459 of 2021

R. Vijayalakshmi

... Petitioner

vs

1. The Special District Revenue Officer,
Land Acquisition N.H. 45-C Extension,
Room No.9, 1st Floor,
Villupuram Collectorate Office,
Villupuram and District.
Tamil Nadu 605 602.

2. The Special Tahsildar,
Land Acquisition N.H. 45-C Extension,
Kamarajar Nagar,
Near Panruti M.L.A. Office,
Panruti, Cuddalore District 607 106

3. E. Manonmani

4. R. Susila

5. E. Devanathan

6. B. Rani

7. S. Mangalakshmi

...Respondents

R3 to R7 impleaded vide order dated 06.07.2021 made in W.M.P.
No.14616/2021 in W.P. No.7459/2021



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Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ, order or direction more particularly a writ in the nature of writ of Mandamus directing the respondents to complete the enquiry pending before the 1st respondent bearing ref No. Na.Ka.Aa/Thene-45C/601/2012 dated 06.02.2020 and consequently direct the respondents to determine and award compensation to the petitioner for the lands in the survey No.223/9 - to an extent of 510 Sq. meters, 223/11 - to an extent of 805 sq. meters, 236/1A - to an extent of 94 Sq. meters, 236/6C - to an extent of 245 Sq. meters, 244/3B - to an extent of 62 sq. meters and in total 1716.5 sq. meters situated at Rasapalayam Village, Pulavanur Madura, Cuddalore district belonging to the petitioner under the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 at the prevailing Market rates.

For Petitioner : Mr. D. Selvanayagam
For R1 & R2 : Mr. P. Sathish
Additional Government Pleader
R3 to R6 : No appearance.

ORDER

This Writ Petition has been filed for the issue of Writ of Mandamus directing the first respondent to conduct the enquiry and consequentially direct the respondents 1 and 2 to determine the



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compensation amount and pay the same to the petitioner with respect to the subject property.

2. Heard Mr. D. Selvanayagam, learned counsel for the petitioner and Mr. P. Sathish, learned Additional Government Pleader for the respondents 1 and 2.

3. The specific case of the petitioner is that the family properties were orally partitioned by her husband and her father-in-law and certain properties were allotted in favour of her husband. Thereafter, the petitioner's husband was in possession and enjoyment of the said properties. The husband of the petitioner died on 06.06.2017 leaving behind the petitioner and her two daughters. The petitioner, in order to meet the financial exigency, took steps to deal with the properties and at that point of time she came to know that the properties have been acquired under the National Highways Act. The petitioner immediately made an objection stating that the compensation amount could not be disbursed to her father-in-law and that the petitioner alone is entitled to receive the compensation. The parties were called for an enquiry and it was pending. In the meantime, the father-in-law of the petitioner filed a



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suit for permanent injunction in O.S. No.84/2019 before the District Munsif Court, Panruti. Even though an enquiry was conducted, no further orders were passed by the first respondent. It is under these circumstances, the present Writ Petition came to be filed before this Court.

4. The second respondent filed a counter and the relevant portions are extracted hereunder:

"8. It is submitted that after the enquiry was over, Tmt. Vijayalakshmi, the petitioner herein sent a notice through her Advocate on 19.04.2018 raising objection to settle the compensation amount to Thiru.Erusappa Gounder. It is submitted that on receipt of the Advocate's notice, notice was sent to the said Thiru.Erusappa Gounder and Tmt. Vijayalakshmi to appear in person on 29.08.2019 for an enquiry and they were instructed to produce appropriate documents to prove their title on the acquired lands.

9. It is submitted that an enquiry was conducted by this respondent on 29.08.2019 on which date the said Thiru Erusappa Gounder and Tmt.Vijayalakshmi were present for enquiry. However, the petitioner failed to produce necessary documents to prove her title on the acquired



property but she produced Death Certificate of her husband and she gave a written statement stating that her father-in-law Thiru Erusappa Gounder allotted the said lands to her husband orally and there is no documents to prove the same.

10. It is submitted that this respondent after completing the enquiry on 29.08.2019, forwarded the entire records to the 1st respondent herein and the 1st respondent also conducted an enquiry on 11.02.2020 on which date both the parties had also appeared. However, during the enquiry conducted on 11.02.2020 also, the petitioner herein did not produce any documents to prove her title on the acquired lands. Hence, the claim made by the petitioner to pay the compensation to her is genuine.

11. It is further submitted that the entire compensation amount of Rs.27,21,234/- which was deposited in current account was paid to the said Thiru Erusappa Gounder vide Cheque No.001541 dated 28.08.2020 on the basis of the records produced by him to prove his title on the acquired lands. The petitioner did not produce any documentary evidences to prove her title on the acquired lands and hence her request was rejected. It is submitted that this respondent came to know that the said Thiru Erusappa Gounder died on 01.12.2020."



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5. In the considered view of this Court, the enquiry has already been conducted and the entire compensation amount has been paid to the father-in-law of the petitioner in the year 2020 itself. Subsequently the father-in-law of the petitioner died and the legalheirs were added to this writ petition. Hence, no further orders can be passed in this writ petition except giving a liberty to the petitioner to recover the compensation amount that was paid to Erusappa Gounder from the legalheirs of Erusappa Gounder, if the petitioner establishes her right over the property in the manner known to law.

6. This Writ is disposed of with the above observations. No costs.

13.02.2025

Internet : Yes / No

Index: Yes / No

Speaking order / Non speaking order

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To

WEB COPY

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N. ANAND VENKATESH, J.

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