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W.P.No.8992 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2025

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THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

W.P.No.8992 of 2012

S.R.Charles Ignatius Belevendar,
Old No.36, New No.93, Rangarajapuram Main Road,
Kodambakkam, Chennai – 600 024.

... Petitioner

Vs.

1. The Special Tahsildar (LA),
Unit No.IV, SIPCOT,
Sriperumbudur Expansion Scheme-2,
Sriperumbudur.

2. The District Collector,
Kancheepuram District,
Kancheepuram.

3. Kaviyarasu

4. Jayakumar

5. Vasantha

6. Gangadharan

7. Kalaivani

... Respondents

[R3 to R7 impleaded vide order dated 11.04.2012]



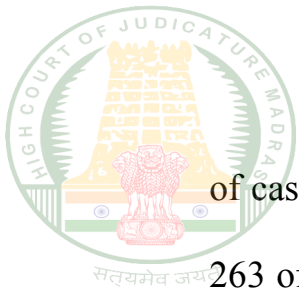
Prayer: Writ Petition filed under Mandamus, directing the first and second respondents to keep in deposit the compensation amount payable on account of Government acquisition of lands measuring Hectares 1.01.0 Ares in Survey No.35/5 and an extent of Hectares 0.60.5 Ares in Survey No.47/5 in No.124, Vallam Village, Sriperumbudur Taluk, Kancheepuram District, until the title dispute between the petitioner and legal heirs of late Mukundan are finally decided by the civil courts.

For Petitioner	: No appearance
For R1 & R2	: Mr.A.Selvendran, Special Government Pleader
For R5 & R7	: Mr.M.Rajasekar

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the first and second respondents to keep in deposit the compensation amount payable under the acquisition, till the title dispute between the petitioner and the legal heirs of late Mukundan is finally decided by the civil court.

2. This writ petition formed part of a batch of writ petitions which ultimately ended up before the Division Bench in writ appeals. Since this writ petition had nothing to do with the issue that was involved in the batch



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of cases, review applications were filed in Review Application Nos.262 and 263 of 2022. The said review applications were allowed by this court by an order dated 16.12.2024 and the common order dated 17.10.2022 was recalled insofar as the present writ petition is concerned and the Division Bench directed the present writ petition to be posted for fresh disposal. Accordingly, this writ petition has come up for hearing before this court.

3. The learned counsel for the respondents 5 and 7 submitted that the suit in O.S.No.585 of 1989 was dismissed by Judgment and Decree dated 28.10.1998. As against the same, an appeal was filed with delay and the condone delay petition came to be dismissed on 31.01.2003. Thereafter, an application was filed for the restoration of the interlocutory application and this application also came to be dismissed by an order dated 13.12.2010. In view of the same, it was submitted that the suit is no more pending and therefore, the respondents can be directed to pay the compensation amount to the legal heirs of late Mukundan.

4. The learned Special Government Pleader appearing on behalf of the respondents 1 and 2 submitted that the compensation amount has been



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kept in revenue deposit and the amount was not paid since as against the order passed by the Division Bench in the batch of cases, appeal has been filed by SIPCOT before the Apex Court and the same is pending. The learned Special Government Pleader therefore submitted that the payment of compensation will depend upon the final result in the pending appeals before the Supreme Court.

5. In the considered view of this court, it is not necessary to await for the final judgment of the Supreme Court since this writ petition was erroneously tagged along with the batch and the common order dated 17.10.2022 was recalled by the Division Bench of this court in Review Application Nos.262 and 263 of 2022, dated 16.12.2024, based on the review applications filed by the respondents 5 and 7. Therefore, this writ petition will have to be considered on its own merits.

6. This court takes into consideration the subsequent developments whereby the civil suit has come to an end and hence whatever compensation amount has to be paid, can be paid to the legal heirs of late Mukundan. The compensation amount is available in the revenue deposit and it is left open



to the legal heirs of late Mukundan to submit a representation before the first respondent viz., the Special Tahsildar and the first respondent shall verify the particulars of the legal heirs of late Mukundan and shall disburse the compensation amount that is available in the revenue deposit. This process shall be completed within a period of six weeks from the date of receipt of a copy of this order.

7. This writ petition is disposed of in the above terms. No costs.

18.02.2025

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

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Sriperumbudur Expansion Scheme-2,
Sriperumbudur.

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N. ANAND VENKATESH, J.

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