



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2025

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CORAM :

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

Writ Petition No.13573 of 2021
and WMP Nos.14441 & 14444 of 2021

Asha Vijayaraghavan

.... Petitioner

-Vs-

1.The Special District Revenue Officer (Land Acquisition)
Tamil Nadu Road Development Scheme-II
(Chennai Peripheral Road Project)
Economic Offneces Section (SIDCO)
Thiru vi ka industrial Estate
Alandur Road
Guindy Chennai 600 032.

2.The Special Tahsildar (Land Acquisition)
Chennai Peripheral Road Project (Unit 1)
Ponneri-601 204
Ponneri Taluk, Thiruvallur District.

3.Krishnaveni Ammal

4.E.Munusamy

.. Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in the Award proceedings No.11/2020 in NaKa.No.A2 / 69 / 2019 dated 19.2.2021 and quash the portion of the Award withholding compensation amount of Rs.44,54,093.30 payable to the petitioner for the 5,270 square meters acquired in



Survey Nos.263/3A, 263/3B2 and 265/1B, Neduvarambakkam Village, Ponneri Taluk Thiruvallur District and consequentially direct Respondents 1 and 2 to immediately release the aforesaid withheld compensation amount of Rs.44,54,093.30 to the petitioner.

For Petitioner : Mr.N.R.Anantha Rama Krishnan

For Respondents : Mr.A.Selvendran
Special Government Pleader
for R1 & R2

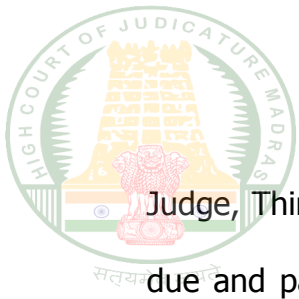
Mr.A.R.Suresh
for R3 & R4

ORDER

This writ petition has been filed challenging the award proceedings dated 19.02.2021 of the 1st respondent in award proceedings No.11/2020 and to direct the 1st and 2nd respondents to release the compensation amount of Rs.44,54,093.30.

2.Heard Mr.N.R.Anantha Rama Krishnan, learned counsel for the petitioner, Mr.A.Selvendran, learned Special Government Pleader for R1 & R2 and Mr.A.R.Suresh, learned counsel for R3 & R4.

3.The grievance of the petitioner is that based on the suit filed by the 3rd and 4th respondents in OS.No.121 of 2020, pending on the file of the Principal District



Judge, Thiruvallur seeking for the relief of partition, the compensation amount that is due and payable to the petitioner was withheld by the 1st respondent while passing the award dated 19.02.2021.

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4.The learned counsel for the petitioner submitted that suit filed by the private respondents is not maintainable and that already rejection of plaint petition has been filed under Order VII Rule 11 CPC and the same is pending enquiry.

5.The 1st respondent has refused to pay the entire compensation amount to the petitioner on the ground that the suit is pending and the private respondents have sought for a share in the suit property.

6.Taking into consideration the facts and circumstances of the case and the materials placed before this Court and in order to strike a via media, it will be appropriate to pay the petitioner atleast the admitted share in the properties. The private respondents have sought for 2/5th share in the suit property. Hence, the writ petitioner can be paid atleast 3/5th share out of the total compensation and the balance compensation of 2/5th share can be paid subject to the result of the pending suit. Already, a sum of Rs.81,05,370.16 has been paid to the petitioner and the balance amount that is payable is Rs.44,54,093.30. Out of this balance amount, 3/5th share of the petitioner can be paid along with the accrued interest to the petitioner.



Such direction will not prejudice the rights of the private respondents since they are only claiming 2/5th share in the property.

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7. In the result, this writ petition is disposed of with a direction to the 1st and 2nd respondents to pay 3/5th share out of the balance compensation amount of Rs.44,54,093.30 along with accrued interest to the petitioner within a period of four weeks from the date of receipt of copy of the order. The balance of 2/5th share along with accrued interest shall be retained in the deposit and the same shall be paid subject to the result of the pending suit. No costs. Consequently, connected miscellaneous petitions are closed.

01.04.2025

Index : Yes/No
NCS : Yes/No
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To

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N.ANAND VENKATESH, J.

KP

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