



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.10.2025

CORAM:

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.A.Nos. 1986 and 1988 of 2022
and

C.M.P.Nos.14549, 14513, 14562, 14569 and 14557 of 2022

W.A.No.1986 of 2022:

C.J.Madhan
W.A.No.1986/22

...Appellant in

Vs.

1.C.M.Vivekanandan

2.C.P.Arulalan

3.C.P.Thangaraj

4.The District Collector,
Thiruvallur District,
Thiruvallur.

5.The Special District Revenue Officer (LA),
National Highways,
Thiruvallur.
W.A.No.1986/22

...Respondents in

W.A.No.1988 of 2022:

C.J.Madhan
...Appellant in W.A.No.1988/22

Vs.



1.Secretary to Government,
Revenue Department,
Fort St. George,
Chennai – 9.

2.The Commissioner of Revenue Administration,
PWD Estate,
Chepauk, Triplicane,
Chennai – 600 005.

3.The Special District Revenue Officer (Land Acquisition),
National Highways, 716B,
No.3/4, Lalbahadur Sastri Street,
Periyakuppam,
Thiruvallur – 602 001.

4.C.P.Arulalan

5.C.P.Thangaraj

6.Vivekanandhan

7.The Director,
Directorate of Vigilance and Anti-Corruption,
293, MKN Road,
Collectors Nagar, Alandur,
Chennai – 600 016.

8.N.Gunasekaran

9.Secretary to Government,
Public Department,
Secretariat, Fort St. George,
Chennai – 9.

10.The District Collector,
Thiruvallur District,
Thiruvallur.
W.A.No.1988/22

...Respondents in



PRAYER in W.A.No.1986 of 2022: The Writ Appeal filed under Clause 15 of the Letters Patent praying to set aside the order passed in W.P.No.121 of 2021 dated 19.04.2022.

PRAYER in W.A.No.1988 of 2022: The Writ Appeal filed under Clause 15 of the Letters Patent praying to set aside the order passed in W.P.No.17749 of 2021 dated 19.04.2022.

For Appellant	: Mr.B.Vijay,
	For Mr.S.Momeduduman
For Respondents	: Mr.A.E.Ravichandran
	For R1 to R3 in W.A.1986
of 2022 and	
	For R4 to R6 in W.A.1988
of 2022	
Govt. Pleader	Mr.T.Arunkumar, Addl.
	For R4 to R5 in W.A.1986
of 2022 and	
R10 in W.A.1988/22	For R1 to R3, R7, R9 &

COMMON JUDGMENT

(Order of the Court was made by S.M.SUBRAMANIAM, J.)

The present Writ Appeal has been instituted challenging the writ order dated 19.04.2022 in W.P.Nos.121 of 2021 and 17749 of 2021.

2. The 3rd respondent in W.P.No.121 of 2021 and 5th respondent in W.P.No.17749 of 2021 is the appellant before this Court. Admittedly, subject land described in the writ proceedings were acquired by the Government for



public purposes in the year 2011. Award was passed on 24.08.2011. Compensation determined by the Land Acquisition Officer was settled in favour of the land owners. The respondents 1 to 3 in W.P.No.121 of 2021 and respondents 4 to 6 in W.P.No.17749 of 2021 claiming as owners received the compensation. Thereafter, a notice was issued in pursuance to the complaint filed by the appellant/ Writ Petitioner in W.P.No.17749 of 2021. The said notice came to be challenged in the Writ Petition in W.P.No.121 of 2021.

3. The writ Court considered the issues elaborately and made a finding that a civil suit has been instituted by the appellant in O.S.No.375 of 2019 on the file of the District Munsif, Ponneri for partition. As of now, the respondents 1 to 3 claim ownership and already received compensation as awarded under the Land Acquisition Act. The appellant filed a suit for partition, which is admittedly pending. Therefore, the right of the appellant is to be crystallized at the first instance for the purpose of claiming share in the award amount.

4. As of now the issues relating to civil right of the appellant is pending before the civil Court. That apart, the learned counsel for the respondents 1 to 3 would reiterate that in the event of succeeding in the suit, the share applicable to the appellant will be settled by the respondents 1 to 3. Therefore, the civil Court has to adjudicate the issues and only after disposal of the suit and reaching finality, the final decision is to be taken with reference



to the claim of the appellant to grant share in the compensation amount. The writ Court made an observation that the appellant has to claim his share only after disposal of the civil suit and reaching finality. Further the writ Court directed the civil Court to dispose of the suit as expeditiously as possible uninfluenced by the observations made in the writ order impugned.

5. The respective learned counsel for the parties would argue that their right to title over the property for the purpose of getting a share require adjudication. Disputed facts of civil nature cannot be adjudicated by the High Court in a writ proceeding under Article 226 of the Constitution of India. However, the interest of the parties are to be protected, since there is a counter claim regarding compensation settled exclusively in favour of the private respondents.

6. Mr.A.E.Ravichandran, learned counsel appearing on behalf of the private respondents would submit that the respondents undertake that they will settle the amount as per the share, if any, allotted by the civil Court in the pending partition suit instituted in O.S.No.375 of 2019 on the file of the District Munsif Court, Ponneri.

7. That apart, the parties can workout their remedy by filing interlocutory applications seeking appropriate relief. When ample opportunities are available to the parties to redress their grievance in a



pending suit or by instituting a fresh suit, it would be unnecessary for the writ Court to make any finding regarding civil rights of the parties for the purpose of securing compensation. As far as this case is concerned, the lands were acquired for public purposes and compensation determined by the Land Acquisition Officer had already been settled in favour of the private respondents. That being so, no further adjudication relating to civil dispute can be done by the Land Acquisition Officer under the Land Acquisition Act. The acquisition proceedings came to an end in all respects and quantum of compensation determined had been settled in favour of the private respondents. It is brought to the notice of this Court that during award proceedings, the fact regarding pendency of suit has been suppressed. The dispute between the parties have not been brought to the notice of the competent authority.

8. The writ Court also considered this aspect and made a finding that claim of the parties in W.P.No.17749 of 2021 that when the partition suit in respect of subject land is pending before the competent Court, suppressing the same, the petitioners in W.P.No.121 of 2021 have received the entire compensation amount, stating that they are the absolute owners of the land, though there is dispute with regard to the same. That apart the writ Court has protected the interest of the appellant in paragraph No.10 by stating as follows:

10. Be that as it may, Learned counsel for the



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petitioners in W.P.No.121 of 2021 fairly submitted that, if the 3rd respondent/ petitioner in W.P.No.17749 of 2021 succeeds in the pending partition suit in O.S.No.375 of 2019 on the file of the District Musif, Ponneri and allotted with a particular share in the above disputed lands, the compensation in respect of the allotted share will be deposited in the suit in O.S.No.375 of 2019. Recording the said stand taken by the learned counsel for the petitioners in W.P.No.121 of 2021 with regard to deposit of the proportionate amount of compensation in case the 3rd respondent/ petitioner in W.P.No.17749/2021 succeeding in the suit, this Court grants liberty to the petitioners in both the Writ Petitions to canvas their grievance before the Civil Court in the partition suit in O.S.No.375 of 2019 and the Civil Court is directed to take up the matter and decide the same as expeditiously as possible, without being influenced by the decision taken by the Land Acquisition Officer with regard to payment of compensation.

9. The learned counsel for the private respondents herein has given an undertaking that in the event of allotting share in favour of the appellant, the contesting respondents will settle the share, if any, allotted by the civil Court in favour of the appellant. However, this Court is of the considered view that mere undertaking would be insufficient, since the rights of the parties are to be protected by adopting a balancing approach. In view of the facts and circumstances the private respondents viz., C.P.Arulalan, C.P.Thangaraj and Vivekandhan are directed to deposit 1/4th of the total award amount of Rs.6,83,99,046/- to the credit of O.S.No.375 of 2019 on the file of the District



Munsif, Ponneri. On such deposit the learned District Munsif, Ponneri is directed to invest the said amount in any one of the Nationalized Bank under the interest bearing deposit scheme and renew the deposit periodically till such time the suit is disposed of and rights of the parties are crystalized in the suit. The private respondents are directed to deposit the said amount to the credit of the suit in O.S.No.375 of 2019 within a period of four (4) weeks from the date of receipt of a copy of this order.

10. The civil court is directed to dispose of the suit as expeditiously as possible by not granting adjournments on flimsy grounds. The parties are at liberty to file interlocutory application in pending suit for appropriate relief if necessary. It is brought to the notice of this Court that the defendants in the suit filed interlocutory application for rejection of the plaint under Order VII Rule 11 of the Code of Civil Procedure. The learned District Munsif, Ponneri is directed to dispose of the said application by avoiding unnecessary adjournments within a period of two (2) months from the date of receipt of a copy of this order.

11. With the above directions, these Writ Appeals are disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

(S.M.S., J.)

(M.S.Q., J.)



10.10.2025

dsa

Index

:Yes/No

Neutral Citation

:Yes/No

Speaking/Non-speaking order



To

1. The District Mufi,
Ponneri.

2. The District Collector,
Thiruvallur District,
Thiruvallur.

3. The Special District Revenue Officer (LA),
National Highways,
Thiruvallur. 1. Secretary to Government,
Revenue Department,
Fort St. George,
Chennai – 9.

4. The Commissioner of Revenue Administration,
PWD Estate,
Chepauk, Triplicane,
Chennai – 600 005.

5. The Special District Revenue Officer (Land Acquisition),
National Highways, 716B,
No.3/4, Lalbahadur Sastri Street,
Periyakuppam,
Thiruvallur – 602 001.

6. Secretary to Government,
Public Department,
Secretariat, Fort St. George,
Chennai – 9.



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S.M.SUBRAMANIAM, J.
and
MOHAMMED SHAFFIQ, J.

dsa

W.A.Nos. 1986 and 1988 of 2022

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S.M.SUBRAMANIAM, J.

and

MOHAMMED SHAFFIQ, J.

Today, the matter has been listed under the caption “for being mentioned”.

2. The learned counsel on either side would submit that the partition suit was filed in O.S.No.22 of 2012 on the file of the District Munsif, Ponneri for partition and thereafter the said suit was renumbered as O.S.No.375 of 2019 pending on the file of the District Munsif Court, Gummidipoondi.

3. In view of the said submission, Registry is directed to carryout the following corrections:

(i) Para No.3 of the order dated 10.10.2025 shall read as follows:-

3. *a civil suit has been instituted by the appellant in O.S.No.22 of 2012 on the file of the District Munsif, Ponneri for partition. Thereafter, the said suit was renumbered as O.S.No.375 of 2019 on the file of District Munsif cum Judicial Magistrate, Gummidipoondi. As of now,*

(ii) Para No.6 shall read as follows:-

6. *pending partition suit instituted in O.S.No.375 of 2019 on the file of the District Munsif Cum Judicial Magistrate, Gummidipoondi.*

(iii) Para No.9, line No.10 shall read as follows:-

9. *to the credit of O.S.No.375 of 2019 on the file of the District Munsif cum Judicial Magistrate, Gummidipoondi. On such deposit the learned District Munsif cum Judicial Magistrate, Gummidipoondi is directed to*



(iv) Para No.10, line No.6 shall read as follows:-

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10. The learned District Munsif – cum -Judicial Magistrate,
Gummidipoondi is directed to

4. Registry is directed to carryout the above corrections and issue a
fresh corrected order copy.

(S.M.S.,J.) (M.S.Q.,J.)
17.11.2025

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S.M.SUBRAMANIAM, J.
and
MOHAMMED SHAFFIQ, J.

dsa

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17.11.2025