



W.P.No. 1643 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2025

CORAM:

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

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1. V. Kousaliya
2. V.M. Sathi
3. V.M. Saraswathi
4. Pushpalatha
5. Surendran Vadakke Mailadimmal
6. G. Rajina
7. Vemula Rajesh
8. Thushara C.P.
9. Subhash Stalin C.P.
10. Shiju Vadakke Myladimmal
11. Shimja V.M.
12. Vijitha K.V.
13. Vijil, K.V.
14. Ragil, G.
15. Rajan Vallil
16. Vijayan, V.
17. Chandran, V.
18. Sajila, V.
19. Sabitha Vallil
20. Siva Priya, T.K.
21. Vaishnavi, T.K.
22. Vasisht, P.
23. Krishnamurari, V.
24. Kamalakshi
25. Snisharini Jayaraj
26. Shimji, N.K.

... Petitioners

VS



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1. The Government of Puducherry,
Represented by its Secretary,
Department of Revenue & Disaster Management,
Puducherry.
2. The Regional Administrator,
Mahe, Puducherry.
3. The Deputy Collector (Revenue) cum
Competent Authority for Land Acquisition,
Office of the Deputy Collector (Revenue),
Mahe, Puducherry.
4. The Project Director,
National Highways Authority of India,
Civil Lines PO, Kozhikode.

...Respondents

R4 suo-motu impleaded vide order dated 08.03.2021 made in
W.P. No.1643/2021

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus or any other appropriate writ, order or direction to direct the 3rd respondent to deposit Rs.2,71,13,799/- being the compensation determined as being payable to the landowners of Survey No.155/4B, Palloor Village, Mahe, vide proceedings dated 18.09.2017 of the Deputy Collector (Revenue) and Land Acquisition Officer (Mahe), into the credit of A.S. No.14 of 2012 pending on the file of the District Court, Puducherry, and to consequently direct the District Court, Puducherry, to transfer the disputed sum of Rs.1,95,82,187.86 to an interest bearing deposit, to renewed from time to time till the disposal of the appeal in A.S. No.14 of 2012.

For Petitioners	:	Ms. Gopika Nambiar for Mr. Govind Chandrasekhar
For Respondents	:	Mr. A. Tamilvanan Additional Government Pleader, Puducherry.



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ORDER

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This Writ Petition has been filed for the issue of writ of mandamus directing the third respondent to deposit a sum of Rs.2,71,13,799/-, being the compensation determined by the third respondent through proceedings dated 18.09.2017, into the credit of A.S. No.14/2012 pending on the file of the District Court, Puducherry, and consequentially direct the District Court, Puducherry, to transfer this amount to an interest bearing deposit to be renewed from time to time.

2. Heard Ms. Gopika Nambiar, learned counsel appearing for the petitioners and Mr. A. Tamilvanan, learned Additional Government Pleader, Puducherry, appearing for the respondents.

3. The case of the petitioners is that they were the owners of the subject property. The property became the subject matter of acquisition under the National Highways Act. After the lands were acquired, an Award was also passed by fixing the compensation. The total compensation payable was determined at Rs.2,71,13,799/-. In the



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meantime, there was a dispute regarding the share in the property and

O.S. No.30/2007 was filed on the file of the Subordinate Court, Mahe, seeking for the relief of partition and for allotment of 21/140 shares to the plaintiffs and other consequential reliefs. The suit was decreed *ex parte* by a judgment and decree dated 12.09.2011 and accordingly a preliminary decree was passed declaring that the plaintiffs are entitled for 21/140 shares and the defendants 1 to 6 are entitled for 17/140 shares in the plaint schedule property and likewise the defendants 7 to 10 are also entitled for the same share.

4. The further case of the petitioners is that an appeal was filed in A.S. No.14/2012 before the District Court, Puducherry, as against the preliminary decree. This appeal was dismissed for default on 23.07.2014. The final decree is yet to be passed. It is under these circumstances, the present writ petition came to be filed before this Court for a direction to the third respondent to deposit the compensation amount to the credit of the appeal which was pending before the District Court, Puducherry.



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5. When the matter was taken up for hearing today, the learned counsel for the petitioners submitted that the appeal in A.S.No.14/2012 was dismissed for default on 23.07.2014 and the same is yet to be restored on file. Therefore, the learned counsel for the petitioners requested this Court to direct the third respondent to deposit the compensation amount in the suit and to issue consequential direction to the court below to deposit the same in some interest bearing deposit.

6. Learned Additional Government Pleader appearing on behalf of the respondents submitted that the amount now lies in the joint account of the third respondent and the fourth respondent at Kotak Mahindra Bank at Vadakara. Learned Additional Government Pleader, therefore, submitted that an appropriate direction can be issued to the impleaded fourth respondent also to give no objection in order to enable the third respondent to withdraw the amount and to deposit the same before the Court.

7. Taking into consideration the submissions made on either side, there shall be a direction to the fourth respondent to give no objection to the third respondent to withdraw the compensation amount which is now



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lying in the joint account in Kotak Mahindra Bank. This no objection shall be given by the fourth respondent within a period of four weeks from the date of receipt of a copy of this order. On such no objection being given, the third respondent shall withdraw the entire compensation amount of Rs.2,71,13,799/- and it shall be deposited to the account of O.S. No.30/2007 on the file of the Subordinate Court, Mahe. This deposit shall be done within a period of four weeks after getting no objection from the fourth respondent. On such deposit being made, the Subordinate Court, Mahe, shall, in turn, invest the amount in an interest bearing fixed deposit, which shall be renewed from time to time till the civil proceedings comes to its logical end. Depending upon the final result in the proceedings, the amount can be disbursed by the trial court.

8. This Writ Petition is disposed of with the above directions. No costs.

13.02.2025

Internet : Yes / No

Index: Yes / No

Speaking order / Non speaking order

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WEB COPY To

1. The Government of Puducherry,
Represented by its Secretary,
Department of Revenue & Disaster Management,
Puducherry.
2. The Regional Administrator,
Mahe, Puducherry.
3. The Deputy Collector (Revenue) cum
Competent Authority for Land Acquisition,
Office of the Deputy Collector (Revenue),
Mahe, Puducherry.
4. The Project Director,
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Civil Lines PO, Kozhikode.



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N. ANAND VENKATESH, J.

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