



W.P.No.35567 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.35567 of 2019
and W.M.P.No.36433 of 2019

G.Kaliyamurthy

... Petitioner

-Vs-

1. The Competent Authority / The Special
District Revenue Officer,
Land Acquisition - National Highways,
Collectorate, Villupuram.

2. The Special Tahsildar,
Land Acquisition - National Highways,
Collectorate, Villupuram.

3. Mallika

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order dated 20.11.2018 made in Na.Ka.No. Aa/The.Ne.45C/1052/ 2012 on the file of the first respondent herein and quash the same with regard to the compensation awarded towards the land in Survey Numbers 2/2C2A and 2/2C2B, Venkadathri Agaram, Villupuram taluk and District, consequently issue directions to the first respondent to disburse 5/6th share in Rs.6,23,442/- deposited towards the compensation for the land in Survey Numbers 2/2C2A and 2/2C2B, Venkadathri Agaram, Villupuram Taluk and District, to the petitioner along with the interest accrued.



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For Petitioner : M/s V.Suguna
For R1 and R2 : Mr.M.R.Gokul Krishnan
Additional Government Pleader

ORDER

This writ petition has been filed challenging the order passed by the first respondent in Na.Ka.No.Aa/The.Ne.45C/1052/ 2012 dated 20.11.2018, thereby directing the first respondent to deposit the entire compensation amount for the land comprised in S.Nos.2/2C2A and 2/2C2B, situated at Venkadathri Agaram, Villupuram taluk and District in the civil Court.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents 1 and 2 and perused the materials available on record.

3. The property comprised in S.Nos.2/2C2A and 2/2C2B, situated at Venkadathri Agaram, Villupuram taluk was purchased by the petitioner from one Rajavalli Ammal and Muthu Naicker by the registered sale deeds vide Document No.57/1999 dated 07.01.1999 and Document No.1687/2001 dated 29.10.2001. Thereafter, the petitioner had constructed shops and he was in possession and enjoyment of the subject property. While being so, the first respondent acquired the property in S.No.2/2C2A to an extent of 195 sq.m and



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in S.No.2/2C2B to an extent of 185 sq.m for NH45C Vikravandi-Kumbakonam-

Thanjavur road widening.

4. While being so, the third respondent, who is the daughter of the vendor of the said property filed a suit for partition claiming 1/6th share in the subject property in O.S.No.42 of 2006 on the file of the Principal District Munsif Court, Villupuram and it is pending for adjudication. However, the first respondent passed an order to deposit the entire compensation amount of Rs.6,23,442/- for the acquisition of the subject land before the Civil Court.

5. A perusal of the counter and on the submissions made by the learned Additional Government Pleader appearing for the respondents 1 and 2 revealed that on the objections raised from the third respondent, the entire amount was ordered to be deposited in the suit. Accordingly, the entire Award amount has been deposited in O.S.No.46 of 2006 on the file of the Principal District Munsif Court, Villupuram.

6. Admittedly, the suit is still pending and the third respondent is claiming 1/6th share in the property which was already acquired by the



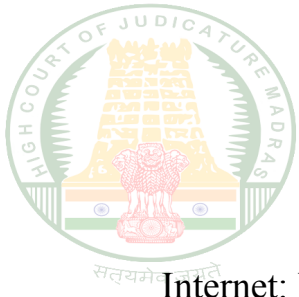
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respondents 1 and 2 herein. Even according to the third respondent, she is entitled for 1/6th share in the subject property. However, the first respondent ordered to deposit the entire compensation amount.

7. In view of the above, the impugned order cannot be sustained insofar as the 5/6th share in respect of the compensation amount, which was already deposited before the Trial Court. Accordingly, the order passed by the first respondent in Na.Ka.No.Aa/The.Ne.45C/1052/2012 dated 20.11.2018 is hereby set aside, insofar the 5/6th share alone. The petitioner is permitted to withdraw the 5/6th share from the entire Award amount. The Principal District Munsif Court, Villupuram is directed to disburse the 5/6th share in the amount deposited by the respondents 1 and 2 in O.S.No.46 of 2006 to the petitioner forthwith. The third respondent is at liberty to make claim in respect of her 1/6th share, subject to the result of O.S.No.46 of 2006 on the file of the Principal District Munsif Court, Villupuram.

8. Accordingly, this writ petition stands partly allowed. Consequently, connected Miscellaneous petition is closed. No costs.

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Internet: Yes
Index: Yes/No
Neutral Citation: Yes/No
Speaking/Non Speaking order
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G.K.ILANTHIRAIYAN. J.

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To

1. The Competent Authority / The Special
District Revenue Officer,
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2. The Special Tahsildar,
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Copy to

The Principal District Munsif Court,
Villupuram.

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