



W.A.(MD)No.2170 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.08.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A.(MD)No.2170 of 2025
and
C.M.P.(MD)No.12404 of 2025**

P.Lingam

... Appellant

Vs.

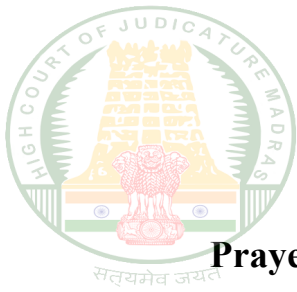
1.P.Latha

1.The Special District Revenue Officer,
(Land Acquisition National Highways),
Ramanathapuram,
Ramanathapuram District.

2.The Special Tahsildar,
(Land Acquisition National Highways),
Unit-I, Manamadurai,
Office of the Special Tahsildar,
National Highways-49,
Manamadurai,
Sivagangai District.

3.A.Poologam

... Respondents



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Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD)No.3653 of 2021 dated 12.10.2023 on the file of this Court.

For Appellant : Mr.M.Saravanan,
For Mr.N.C.Ashok Kumar.

For Respondents : Mr.N.Satheeshkumar,
Addl. Government Pleader for R2 & R3.
Mr.M.Kannan for R1

JUDGMENT
(By G.R.SWAMINATHAN, J.)

Heard both sides.

2.Poologam / third respondent in the writ petition married Maragatham. Through the said marriage, two children including the writ petitioner were born. Even during the subsistence of the first marriage, Poologam contracted second marriage. Through the second marriage, two children were born including the appellant. The ancestral property belonging to Poologam was acquired under the National Highways Act. Latha, the daughter born through the first marriage filed W.P.(MD)No.3653 of 2021 claiming half share in the compensation. The



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learned Single Judge noted that Latha had earlier filed O.S.No.18 of 2006 and had decree in her favour. Taking note of all the aspects, the writ petition was disposed on 12.10.2023 in the following terms:-

“6. It is clear from the counter affidavit filed by the second respondent that there is already a preliminary decree passed in the partition suit in O.S.No.18 of 2006 where the petitioner and her brother were held to have half share in the property. The children of the third respondent through the second marriage will also be entitled for the share by virtue of Section 16 of the Hindu Succession Act.

7. In view of the above, there shall be a direction to the first respondent to conduct an enquiry, by issuing notice to the petitioner, her brother and two children, viz., Lingam and Sivakumar born through the second marriage of the petitioner's father. The first respondent shall pay the compensation in line with the share to each of the parties, who shall be entitled, by taking into account the decree passed in the partition suit in O.S.No.18 of 2006. This process shall be completed by the first respondent within a period of six (6) weeks from the date of receipt of a copy of this order.”

Aggrieved by the same, this writ appeal has been filed.



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3.We wanted to know if the decree made in O.S.No.18 of 2006 was put to challenge. It appears that the said decree had attained finality. The learned Single Judge had only called upon the competent authority to act as per law. The direction of the learned Single Judge does not call for interference. The writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

**(G.R.S. J.) & (K.R.S. J.)
05.08.2025**

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:

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