



W.P.(MD) No.3554 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.(MD) No.3554 of 2023

and

W.M.P.(MD).No.3306 of 2023

Muthulakshmi

... Petitioner

Vs

1.The Competent Authority /
Special District Revenue Officer,
National Highways Acquisition,
District Collectorate,
Ramanathapuram.

2. The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.

3. The Tahsildar,
Paramakudi,
Ramanathauram District.

4. The Special Tahsildar (Land Acquisition),
Madurai-Dhanushkodi NH49,
Road Expansion Project Unit – 1 (New Project),
Paramakudi,
Ramanathapuram District.

5. Ramasamy.

... Respondents



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WEB COPY

Prayer :- Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents 1 and 4 to pay the compensation in respect of the property acquired (175 Square meters as per notification published on 12.05.2019 in Dinathanthi) and proposed to be acquired (25 Square meters as per notification published on 21.1.2023 in Dinathanthi) in S.No.182/8B, out of the entire extent of 5 cents in Manjur Village of Paramakudi Taluk, Ramanathapuram District to the petitioner.

For Petitioner : Mr.H.Lakshmi Shankar

For Respondent Nos.1 to 4 : M/s.S.Jaya Priya
Government Advocate

For Respondent No.5 : No appearance

ORDER

This writ petition has been filed seeking a direction to the Respondent Nos.1 to 4 to pay compensation in respect of the property situated in S.No.182/8B with an extent of 175 Square meters in Manjur Village of Paramakudi Taluk, Ramanathapuram District to the petitioner.



W.P.(MD) No.3554 of 2023

WEB COPY

2. According to the petitioner, the subject property was purchased by the petitioner's mother on 11.04.1985 from the original owner 'Irulandi Vagaiyara'. But, patta for the subject property has not been mutated in favour of the petitioner's mother and the revenue records are still stand in the name of Ramasamy, S/o.Thanikodi. Subsequent to the sale in favour of the petitioner's mother, the said Thanikodi had obtained a sale deed from one of the vendors of the petitioner's mother. Therefore, a Civil Suit in O.S.No.213 of 1988 was filed on the file of the District Munsif Court, Parmakudi seeking declaration and injunction and the said suit was decreed in favour of the petitioner's mother. An appeal has also filed by the defendants in A.S.No.3 of 1993 on the file of the District Court, Ramanathapuram. The said appeal was also dismissed. The petitioner's mother died on 07.06.1995. The petitioner and his sister are the only legal heirs and they are entitled for subject property. Hence, the present writ petition has been filed seeking a direction to the respondents to pay compensation to the acquired property.



W.P.(MD) No.3554 of 2023

WEB COPY

3. The learned Government Advocate appearing for the respondent

Nos.1 to 4 on instructions submits that the revenue records are still standing in the name of one Ramasamy. The petitioner and his sister have not taken any steps to mutate the revenue records in their favour. Therefore, the fourth respondent has not released the compensation amount in favour of the petitioner.

4. On perusal of the records, this court is of the view that if the official respondents have doubt with regard to the capacity of the petitioner to receive the compensation amount, it is for them to refer the matter to competent Civil Court as per Section 3H(4) of the National Highways Act. Instead of following the statutory mandate under the said Act, the respondents are not entitled to withhold the compensation amount. Therefore, the fourth respondent is directed to consider the request of the petitioner for payment of amount and take a decision with regard to payment of compensation in the light of the Section 3H(4) of National Highways Act within a period of four weeks from the date of receipt of a copy of this order.



W.P.(MD) No.3554 of 2023

WEB COPY

5. With the above said observations, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

01.07.2025

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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S.SOUNTHAR, J

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