



W.P.(MD)No.16641 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2025

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

WP(MD)No.16641 of 2019

and

W.M.P.(MD)No.13272 of 2019

1. Thangapazham
2. Mariyamuthammal ... Petitioners

Vs.

1. The District Collector
Kanyakumari District.
2. The Competent Authority and
Special District Revenue Officer (LA-NH)
Tirunelveli at Nagercoil, Nagercoil.
3. The Project Director,
National Highways Authority of India,
Tirunelveli District.
4. Selvaraj ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st and 2nd respondent to invoke section 3-H of The National Highways Act 1956, and issue a consequential direction to the 1st and 2nd respondents not to disburse the



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compensation amount to be paid for the acquisition of an extent of 1850 M2 in new subdivision survey No.563/7B and another extent of 1150 m2 in new subdivision survey No.594/4B in Thoivalai Village, Thoivalai Taluk, Kanyakumari District to the private respondent within a time period to be fixed by this Court.

For Petitioners : Mr.N.Dilip Kumar

For Respondents : Mr.B.Saravanan
Additional Government Pleader for R1&2

: Mr.Su.Srinivasan for R3

: No appearance for R4

ORDER

I have heard Mr.N.Dilip Kumar, learned counsel for the petitioners, Mr.B.Saravanan, learned Additional Government Pleader for the respondents 1 and 2 and Mr.Su.Srinivasan, learned counsel for the third respondent. Though the fourth respondent has entered appearance, there is no representation on the side of the fourth respondent.

2. The learned counsel for the petitioners submits that suppressing the existence of the daughters, namely, the writ petitioners, their brothers



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have executed gift deed amongst themselves and proceeded to base their claim for compensation, based on the said gift deed. At the stage of filing of the writ petition, it is brought to the notice of this Court that the initial compensation awarded was paid to the 4th respondent. However, this Court has restrained the official respondents from making any further compensation by way of enhancing compensation to the 4th respondent.

3. There is a dispute amongst the parties with regard to the disbursement of the compensation amount. The proceedings should have been taken under Section 3H (4) of the National Highways Act. The third respondent has to refer the issue of disbursement of compensation to the competent civil Court, viz., Principal District Judge, Kanniyakumari. The third respondent shall pass orders referring the claim of the petitioners for disbursement of compensation and the respective rights of the parties, entitling them to be paid their respective shares shall be decided / adjudicated by the competent civil Court, viz., Principal District Judge, Kanniyakumari. It is made clear that the compensation already paid to the fourth respondent shall be adjusted / reworked, subject to the final orders being passed by the Principal



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District Judge, Kanniyakumari and based on the same, the enhanced compensation can be paid out to each of the persons entitled to the same .

The competent authority shall make the necessary reference, within a period of four weeks from the date of receipt of a copy of this order. The Principal District Judge, Kanniyakumari, shall endeavour to decide the matter on reference, expeditiously in any event, within a period of six months.

4. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Index : Yes / No
NCC : Yes / No
LS

21.04.2025

To

1. The District Collector
Kanniyakumari District.
2. The Competent Authority and
Special District Revenue Officer (LA-NH)
Tirunelveli at Nagercoil, Nagercoil.



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3. The Project Director,
National Highways Authority of India,
Tirunelveli District.

Copy to
The Principal District Judge,
Kanniyakumari.



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P.B. BALAJI, J.

LS

Order made in
W.P.(MD)No.16641 of 2019

Dated:
21.04.2025