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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Special Original Jurisdiction

Friday, the Fourteenth day of March Two Thousand and Twenty Five

PRESENT

THE HONOURABLE MR. JUSTICE P.B. BALAJI

WMP(MD). No.25417 of 2024

in

WMP(MD)No.23026 of 2024

in

WP(MD)No.19772 of 2021

The Chief Project Manager Cum Co-Ordination

Rail Vikas Nigam Limited

Mezzanine Floor

Thirumayilai Railway Station

Mylapore

Chennai - 600004. ... Petitioner/Proposed Respondent No.5/3rd Party/3rd Party

Vs

1 Shanmuga Sundaram.C

...Respondent No.1/Petitioner/Petitioner

2 The District Revenue Officer(Regular)
Trichirapalli.

3 The Special Tahsildar
Dobuble of Board Gauge
Villupuram to Dindigul
Collectorate
Trichirapalli.



4 The Divisional Manager
Southern Railway
Madurai.

5 The District Collector
Trichy District
Trichy.

... Respondent 2 to 5/ Respondent 1 to 4/ Respondent 1 to 4

Prayer in WMP(MD). No.25417 of 2024:-

Writ Miscellaneous Petition is filed under Article 226 of the Constitution of India, to pass order by permitting the petitioner to file present to implead the petitioner as the 5th respondent in the WMP.(MD).No.23026 of 2024 in W.P.(MD). No.19772 of 2021.

Prayer in WMP(MD)No.23026 of 2024:-

Writ Miscellaneous Petition is filed under Article 226 of the Constitution of India, to permit the petitioner to withdraw the amount of Rs. 16,45,322/- which was deposited by way of Demand Draft to the Credit of Additional Registrar General, Madras High Court Madurai Bench, Madurai as per the order passed in W.P.(MD).Nos. 19772 and 14369 of 2021 dated 07.12.2023.

Prayer in WP(MD)No.19772 of 2021:-

Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for records pertaining to the impugned order dated 07.09.2021 in Na.Ka.C5/12428/2018 of the second respondent and the impugned order dated 24.09.2021 in Na.Ka.A1/53/2018 on the third respondent and quash the same and consequently direct the respondents 2 and 3 to re-do the exercise by following the judgement of the Hon'ble Supreme Court



and this Court in respect of deduction of one third amount towards development charges.

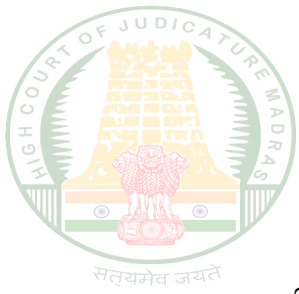
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ORDER:-

This Writ Miscellaneous Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.A. Haja Mohideen, Advocate for the Petitioner and of Mr.J. Anand Kumar Advocate For R1, and Mr.S. Kameswaran, Government Advocate For R2 to R4, this Court made the following order:

W.M.P.(MD)No.25417 of 2024 has been taken out by the Chief Project Manager cum Coordination, Rail Vikas Nigam Limited, Chennai, seeking impleadment in W.M.P.(MD)No.23026 of 2024.

2.On 19.02.2025, I have heard W.M.P.(MD)No.23026 of 2024 and allowed the said application with a direction to the Writ Petitioner to procure an affidavit from the other joint holder Mr.Rajkumar expressing no objection for compensation to be paid in the name of the petitioner and also an undertaking affidavit to repay/redeposit the amount in the event of the fourth respondent in W.M.P.(MD) No.23026 of 2024, namely, the Divisional Manager, Southern Railway, succeeding in W.A(MD)No.838 of 2024. However, it was not brought to my notice on that day that an impleading application in W.M.P.(MD)No.25417 of 2024 in W.M.P.(MD) No.23026 of 2024 in W.P.(MD)No.19772 of 2021 seeking permission to implead had been filed and was pending.



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3.Today I have heard Mr.A.Haja Mohideen, learned Counsel for the impleading applicant, Mr.J.Anand Kumar, learned Counsel for the first respondent/Writ Petitioner and Mr.S.Kameswaran, learned Government Advocate for the respondents 2 to 4.

4.The learned Counsel for the first respondent/Writ Petitioner submits that he has no objection for the impleading applicant also to be heard.

5.Accordingly, W.M.P.(MD)No.25417 of 2024 is ordered and the order passed in W.M.P.(MD)No.23026 of 2024, dated 19.02.2025 is suo motu recalled and W.M.P. (MD)No.23026 of 2024 is reopened and the matter is reheard. Registry is directed to carry out necessary amendments.

6.The learned Counsel for the Writ Petitioner would reiterate the submissions, as advanced on the earlier occasion in W.M.P.(MD)No.23026 of 2024.

7.However, the learned Counsel appearing for the newly impleaded fifth respondent would submit that the fifth respondent is the requisitioning body and they have already deposited the compensation amount. However, the lands of the petitioner were subsequently found to be not necessary for the project and it was



therefore, decided to return the said lands and moreover, the patta has also been mutated in the name of the Writ Petitioner/land owner. Therefore, the question of paying compensation would not arise in the peculiar circumstances of this case. He would therefore pray for dismissal of the petition seeking payment.

8.I have carefully considered the submissions as advanced by the learned Counsel on either side.

9.Admittedly, the petitioner had filed W.P.(MD)Nos.19772 and 14369 of 2021. In the said Writ Petition, the very same contention was raised that the lands of the petitioner are not necessary and the proposal for dropping the acquisition proceedings was under consideration. However, the said contention was rejected by this Court while disposing the Writ Petitions in W.P.(MD)Nos.19772 and 14369 of 2021 and this Court has proceeded to determine the compensation payable to the Writ Petitioner.

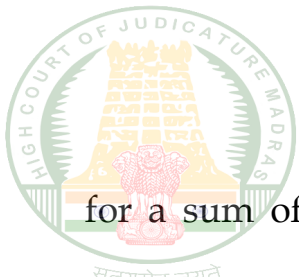
10.The Writ Appeal preferred at the instance of the official respondents was rejected even at the condonation of delay stage and even the review petition came to be dismissed. Therefore, when the rights of the respondents, who initiated the acquisition proceedings, have already attained finality, it is not known what relief the requisitioning body will be entitled to in the other Writ Appeal preferred



in W.A. (MD)No.838 of 2024. In any event, since the Writ Appeal is pending, the same will be considered by the Hon'ble Division Bench after hearing the parties. In the interregnum period, the Writ Petitioner cannot be deprived of the compensation amount for the lands already acquired from the Writ Petitioner. The amounts have also been deposited as per the directions of this Court, which have already been discussed herein above in the order dated 07.12.2023, clearly entitled the Writ Petitioner to such compensation.

11.In view of the above, W.M.P.(MD)No.23026 of 2024 is allowed. Since the Writ Petitioner is one of the joint owners, the petitioner shall furnish a no objection affidavit from other joint owner, namely, Mr.Rajkumar, expressing no objection for the compensation being paid in the name of the Writ Petitioner. Also considering the pendency of W.A(MD)No.838 of 2024 and in the event of any adverse orders that may be passed against the Writ Petitioner, then the Writ Petitioner shall undertake to repay/redeposit the entire amount, that is now being permitted to be withdrawn by the Writ Petitioner. Such an affidavit of undertaking shall be filed before the Registry along with the no objection certificate of Mr.Rajkumar, within a period of two weeks from the date of receipt of a copy of this order. On such compliance, the Additional Registrar General, Madurai Bench of

Madras High Court, Madurai, shall issue a cheque in favour of the Writ Petitioner



for a sum of Rs.16,45,322/-. The Additional Registrar General, Madurai Bench of Madras High Court, Madurai, shall process the payment of request based on the web copy of this order and shall not insist on production of certified copy.

Sd/-

Assistant Registrar(CS II)

// True Copy //

/ /2025

Sub Assistant Registrar
(CS- I/ II / III / IV)

TO

- 1 The District Revenue Officer(Regular)
Trichirapalli.
- 2 The Special Tahsildar
Dobuble of Board Gauge
Villupuram to Dindigul
Collectorate
Trichirapalli.
- 3 The Divisional Manager
Southern Railway
Madurai.
- 4 The District Collector
Trichy District
Trichy.

Copy to:

1. The Additional Registrar General
Madurai Bench of Madras High Court,
Madurai



2. The Section Officer,
Writ Section,
Madurai Bench of Madras High Court,
Madurai

3. The Section Officer,
Accounts Section,
Madurai Bench of Madras High Court,
Madurai

4. The Special Govt. Pleader,
Madurai Bench of Madras High Court,
Madurai

ORDER DATED : 14/03/2025

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ORDER

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WMP(MD). No.25417 of 2024

in

WMP(MD)No.23026 of 2024

in

WP(MD)No.19772 of 2021

Giving direction and etc.

as stated within.

MGJ (14.08.2025) 8P/ 9C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023