



W.P.No.27552 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2026

Coram

The Honourable **Mr.Justice Krishnan Ramasamy**

W.P.No.27552 of 2024

and

W.M.P.No.30074 of 2024

K.G.MALLIGA

...Petitioner

Vs.

- 1 THE MANAGING DIRECTOR
SIPCOT CHENNAI
- 2 THE COMMISSIONER OF LAND ADMINISTRATION
CHENNAI.
- 3 THE DISTRICT COLLECTOR
KRISHNAGIRI
- 4 THE SPECIAL DISTRICT REVENUE OFFICER-SIPCOT (LA)
TNHB PHASE-2 HIG NO.39
100 FEET MAIN ROAD, KATTIKANAPALLI (VILLAGE
AND POST) KRISHNAGIRI (TK AND DT) PIN-635 002.
- 5 THE SPECIAL TAHSILDAR -SIPCOT(LA)
TNHB PHASE-2 HIG NO.39 100 FEET
MAIN ROAD KATTIKANAPALLI (VILLAGE AND POST)
KRISHNAGIRI(TK and DT) PIN 635 002

6 R.KALAIVANI

...Respondents

Prayer

Writ Petition filed under Article 226 of the Constitution of India
praying for the issuance of a Writ of Mandamus directing the 1st respondent



W.P.No.27552 of 2024

herein to refer the dispute as to the entitlement and appointment of compensation for acquisition of the lands in survey No.18/1, 21/1 and 223 of Kurubarapalli village, Krishnagiri Taluk and District to the competent civil court for adjudication under section 9 (2) of the Tamil Nadu Acquisition of land for industrial purposes Act 1977 and deposit the entire compensation amount before that court

For Petitioner	: Mr.R.Sethuvarayar
For Respondent-1	: Mr.Ramesh Venkatachalapathy
For Respondents 2 to 4	: Mr.C.Gowthamaraj Government Advocate
For Respondent-5	: M/s.P.M.Jayachandran (No appearance)

Order

Heard Mr.R.Sethuvarayar learned counsel appearing for the petitioner, Mr.Ramesh Venkatachalapathy, learned counsel for the first respondent and Mr.C.Gowthamaraj, learned Government Advocate for respondents 2 to 4.

2. This Writ Petition is filed seeking for the following prayer:-

i) For issuance of a mandamus directing the 1st respondent herein to refer the dispute as to the entitlement and appointment of compensation for acquisition of the lands morefully described in the prayer of this Writ Petition to the competent civil court for adjudication under section 9 (2) of the Tamil Nadu Acquisition of land for industrial purposes Act 1977 and deposit the entire compensation amount before that court.

2/11



W.P.No.27552 of 2024

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3. The learned counsel for the petitioner would submit that she is the absolute owner of the aforesaid property by virtue a Gift Deed dated 07.08.2015 executed by her first son in her favour; that since the subject properties along with other properties are joint family properties, the other family members have filed suits for partition/declaration of title/right/interest and such suits are pending in O.S.No.21 of 2019, O.S.No.7 of 2008 and O.S.No.87 of 2016 before the Civil Court; that based on a preliminary decree passed in O.S.No.7 of 2008, the sixth respondent created certain void documents and produced the same before the respondents 3 to 5 and also entered into a private negotiations with them, whereby, the compensation amount has been determined and deposited into K Account of SBI.

3.1 The learned counsel for the petitioner further submits that the sixth respondent filed a Writ Petition before this Court in W.P.No.20413 of 2024 against the respondents 1 to 5 and obtained a direction against the respondents 3 and 4 to disburse the award amount to the sixth respondent, therefore, the petitioner filed an objection petition on 06.09.2024 before the respondents 3, 4 and 5 requesting the respondents to disburse the entire

3/11



W.P.No.27552 of 2024

award amount regarding the property in S.No.21/1 on the strength of Gift Deed dated 07.08.2015 and so far as the properties in S.Nos.18/1 and 223 are concerned, requested to refer the dispute to the Civil Court and to deposit the award amount to the Civil Court or to refer entire dispute to the Civil Court and to deposit entire award of compensation to the Civil Court, since, any transaction, that takes place during the pendency of the suits are all hit by lis pendens. Thus, by averring so, the learned counsel seeks for appropriate orders.

4. The learned Government Advocate for the respondents 2 to 5 would submit that during the pendency of the suits, the sixth respondent has entered into a private negotiation with the respondents, based on such negotiation, award amount has been quantified; that since the respondents 3 to 5 are impleaded as parties in the suit and they considering the fact that parties rights over the properties acquired by them are in dispute before the Civil Court, deposited the compensation amount into K Account of SBI; however, since the sixth respondent filed a Writ Petition before this Court in W.P.No.20413 of 2024 seeking for a direction on the respondents 3 and 4, who are also respondents 3 and 4 to disburse the compensation amount to



W.P.No.27552 of 2024

her for the land acquired; that the said Writ Petition was disposed of vide order dated 24.07.2024 and the respondents 3 and 4 were directed to disburse the compensation amount to the petitioner within a stipulated time.

4.1 Therefore, it is contended by the learned Government Advocate for respondents 2 to 5 that in compliance of the direction issued by this Court vide order dated 24.07.2024, the respondents 3 and 4 after verification of the documents produced by the sixth respondent took steps towards disbursement of the compensation, since, the petitioner filed an Objection Petition dated 06.09.2024 raising objection for disbursement of the award, it is submitted that once the suits are disposed of and rights of the parties are decided, the title holder of the properties is entitled to seek for payment of compensation by making necessary application before the Authorities concerned and hence, seeks for appropriate direction in that regard.

5. I have given due considerations to the submissions made by the learned counsel for the parties concerned and perused the materials placed on record.



W.P.No.27552 of 2024

6. Admittedly, the properties in S.Nos.18/1, 21/1 and 223 morefully described in the prayer of this Writ Petition along with other properties are joint family properties. So far as the petitioner is concerned, K.G.Malliga, she claims to be the absolute owner of the aforesaid properties by virtue of a Gift Deed executed by her son in her favour dated 07.08.2015 duly registered as Document No.1964 of 2015. As stated above, since the subject properties along with other properties are joint family properties, totally three suits, viz., suit in O.S.No.21 of 2019, O.S.No.7 of 2008 and O.S.No.87 of 2016 have been instituted by the petitioner and also other parties who claims to have right over the same for the relief of partition, declaration of title/right/interest respectively and the said suits are pending.

7. However, the sixth respondent, R.Kalaivani based on a preliminary decree passed in one such suit, viz., in O.S.No.7 of 2008, created certain void documents and entered into a private negotiation with the respondents 3 to 5 by producing such void documents, based on which, the respondents 2 to 5 also determined the compensation, however, the respondents 2 to 5 having mindful of the fact that the parties rights over the properties acquired by them are in dispute before the Civil Court, (as they are also impleaded as



W.P.No.27552 of 2024

parties in the suits) rightly deposited the compensation amount into K
Account of SBI.

8. Pending such suits, the sixth respondent moved this Court by filing a Writ Petition in W.P.No.20413 of 2024 seeking for a direction on the respondents 3 and 4 herein to disburse the compensation amount to her. The learned Single Judge of this Court considering the fact that the sixth respondent name is found in the award passed by the third respondent dated 04.11.2022, disposed of the Writ Petition vide order dated 24.07.2024 and directed the respondents 3 and 4 to disburse the compensation amount to the petitioner therein within the stipulated period. Based on the said order, dated 24.07.2024, the respondents 3 and 4 after verification of the documents produced by the sixth respondent, which, according to the petitioner, have been created by the sixth respondent based on a preliminary decree passed in a suit instituted by her in O.S.No.7 of 2008 dated 11.07.2017, taken steps to disburse the award to the sixth respondent along with other claimants.

9. At this stage of the matter, the petitioner has filed an Objection Petition dated 06.09.2024 requesting the respondents 3, 4 and 5s to refer the



W.P.No.27552 of 2024

dispute to the Civil Court and to deposit the award amount to the Civil Court, as, when dispute related to the subject are pending before the Civil Court, any transaction, that takes place during the pendency of the suit are all hit by law of lis pendens.

10. Be that as it may, since the respondents 3 and 4 have deposited the compensation amount in SBI 'K' Account, as and when, the suits are disposed of by the Civil Court declaring the parties rights over the properties, the rightful title holder of the property concerned, who have entered into private negotiation with the respondents for compensation shall make necessary application before the Authority concerned seeking for disbursement of the compensation amount as per the award dated 04.11.2022 and insofar as the other title holders, who have not entered into such negotiation, shall make application either for enhancement of compensation or for payment of compensation, as they desire to do so.

11. Therefore, this Court is inclined to dispose of the present Writ Petition with the following directions:-

- i) Once the suits are disposed of, whereby, the rights of the parties



W.P.No.27552 of 2024

concerned are declared, the rightful title holder of the properties concerned, who have entered into private negotiation with the respondents 2 to 5 are entitled to seek for payment of the compensation, which is lying in SBI K Account by making necessary application before the Authorities concerned, which shall be considered and disposed of by the respondents-Authorities as expeditiously as possible.

ii) So far as the other title holders, who have not entered into such private negotiation with respondents 2 to 5 are concerned, they are entitled to seek either for disbursement of the compensation or for enhancement of the compensation by making representation in that regard to the Authority concerned within a period of three months from the date of disposal of the suits, as mentioned above, which shall be considered by the respondents and disposed of by the respondents as expeditiously as possible.

12. This Writ Petition is disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

12.03.2026



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W.P.No.27552 of 2024

Krishnan Ramasamy,J.,

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W.P.No.27552 of 2024

12.03.2026