



W.P(MD)No.1339 of 2011

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.1339 of 2011 and
MP(MD) No.1 of 2011

S.S.Amarnath

Petitioner

Vs

**1.The Revenue Divisional Officer,
(Land Acquisition),
Madurai.**

2.S.S.India Bai

3.S.S.Ram Sundar

Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to refer the dispute arise in the title and the apportionment compensation awarded in L.A.O.P.No.105 of 1999 by the I Additional Sub Judge, Madurai, under Section 30 of Land Acquisition Act, 1894.

For Petitioner

For R1

For R2 & R3

: No appearance

: Mr.G.V.Vairam Santhosh

Additional Government Pleader

: Mrs.D.Geetha



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ORDER

This writ petition was filed for the relief of Mandamus, directing the first respondent to refer the dispute in title and the apportionment of compensation awarded in LAOP No.105/1999 to the I Additional Sub Judge, Madurai under Section 30 of the Land Acquisition Act, 1894.

2. When this writ petition was listed on 04.02.2011, this Court was not inclined to entertain this writ petition and it was recorded that after elaborate arguments and discussions, the learned counsel sought time to withdraw this writ petition. Therefore, it was adjourned after a week. However, subsequently on 17.02.2011, a notice was ordered and a private notice was also permitted. At request of the learned Government Advocate, this writ petition was listed along with ASSR No.17994 of 2007. Thereafter, there was no representation for the petitioner. On 19.10.2023, when this writ



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petition was taken up for hearing, there was no representation for the petitioner. Hence, the Registry was directed to list this writ petition today under the caption "for dismissal". Even today there is no representation for the petitioner.

3.The case of the petitioner is that a land to an extent of 0.28.5 Hectares in S.No.22/1 in Ulaganeri Village, Uthangudi was acquired by the Government for the purpose of construction of this Madurai Bench of Madras High Court. The second respondent/the mother of the petitioner has filed LAOP No.105 of 1999 before the I Additional District Court, Madurai under Section 18 of the Land Acquisition Act. The learned Additional District Judge (FTC I) by his judgment dated 27.01.2005 has enhanced the compensation amount from Rs.550/- to Rs.7200/-. Against the order passed by the learned Additional District Judge, the first respondent/the Revenue Divisional Officer, Madurai has preferred an appeal before this Court and the same is still pending in ASSR No.17994 of 2009. This Court has directed the first respondent to deposit 50% of the award



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amount and accordingly a sum of Rs.5,93,867/- was also deposited by the first respondent before the I Additional Sub Judge, Madurai. The second & third respondents, the mother and the brother of the petitioner have withdrawn the above amount along with the accrued interest.

4.The further case of the petitioner is that there was a partition deed with regard to the land acquired by the Government and as per the partition deed, dated 08.03.1997, the acquired land belonged to the share of this petitioner and the third respondent. According to the petitioner, the second respondent is not having any share in the land, which was acquired by the Government. The petitioner has made a representation by referring the registered partition deed and requested the authorities not to release the compensation amount and filed this writ petition in the year 2011.

5.The learned Additional Government Pleader appearing for the first respondent on instructions submits that the second



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respondent is the mother of the petitioner and the third respondent is his brother. L.A.O.P No.105 of 1999 was filed by the second respondent/the mother of the petitioner. He further submits that the land in S.No.22/1 measuring to an extent of 0.28.5 Hectares in Ulaganeri Village, Uthangudi, Madurai North Taluk stands in the name of the petitioner's mother one India Bai and the petitioner has also attended the award enquiry on 15.06.1998 on behalf of the second respondent and has also given a statement. In his statement, the petitioner has stated that the second respondent is the absolute owner of the subject property. Hence, the award was passed in the name of the second respondent and accordingly the compensation amount was also disbursed to the second respondent. The learned Additional Government Pleader further submits that out of 89 persons, from whom the lands were acquired by the Government at the relevant point of time, 100% compensation amount has been settled to 78 persons. With regard to 11 other persons, 50% of the amount has already been deposited before the Court and the deposited amount has also been withdrawn by the concerned parties.



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The remaining 50% would be disbursed to 11 persons, for which, a proposal has been made to the Commissioner of Land Administration and once approval from the Commissioner of Land Administration has been received, the remaining amount would be disbursed to 11 persons.

6.This Court perused the materials placed on record and also the submissions of the learned Additional Government Pleader.

7.The petitioner has filed this writ petition that the second respondent, who is the mother of the petitioner is not entitled for any compensation for the land in S.No.22/1 in Ulaganeri, Uthangudi, Madurai North Taluk, which was acquired by the Government. The respondents have filed a counter affidavit stating that the subject land stands in the name of the petitioner's mother namely, India Bai and she only filed L.A.O.P No.105 of 1999, wherein, an award has been passed and this petitioner, being the son of the second respondent has attended the award enquiry on behalf



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of her on 15.06.1998 and has also given a statement, wherein, the petitioner has admitted that the second respondent is the absolute owner of the subject property. Therefore, the award has been passed and the compensation amount has also been deposited in the name of the second respondent.

8.The petitioner has given a statement during the award enquiry in the year 1998 that the second respondent/the mother of the petitioner is the absolute owner of the subject property and filed this writ petition in the year 2011 taking a different stand that the petitioner's mother is not entitled to receive the compensation amount. This Court is not inclined to accept this contention of the petitioner and accordingly, this writ petition is dismissed.

9.Insofar as the remaining compensation amount payable to 11 persons, from whom the lands were acquired, a direction is issued to the first respondent to ensure that the remaining award amount is disbursed to those 11 land owners within a period of



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twelve weeks from the date of receipt of a copy of this order without any further delay. No costs. Consequently, connected Miscellaneous Petition is closed.

31.10.2023

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

The Revenue Divisional Officer,
(Land Acquisition),
Madurai.



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B.PUGALENDHI, J.

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Order made in
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