

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2015

CORAM :

The Hon'ble Mr.Justice D.Hariparanthaman

Writ Petition No.10602 of 2015

Perumal

... Petitioner

Vs.

1. The District Collector,  
Cuddalore.

2. The Special Tahsildar,  
Adi Dravidar Welfare,  
Cuddalore.

... Respondents

Prayer : Writ Petition, filed under Article 226 of the Constitution of India seeking for issuance of Writ of Mandamus, directing the first respondent to consider the petitioner's representation, dated 08.09.2014 and pass orders.

For Petitioner : Mr.S.Mohanasundararajan

For Respondents : Mr. R.A.S.Senthil Vel  
Additional Government Pleader

ORDER

By consent, the Writ Petition is taken for final disposal, at the stage of admission itself.

2 Heard both sides.

3. The case of the petitioner, as seen from the affidavit, filed in support of this Petition is that, the land belonged to the petitioner, was acquired by the Government, under the Tamil Nadu Acquisition of Land For Harijan Welfare Scheme Act, 1978. The land acquisition officer/second respondent passed an award, dated 13.08.2001, in Award No.1 of 2001-2002, fixing the compensation at Rs.68,421 per acre. Not being satisfied with the compensation awarded by the second respondent, the petitioner/claimant preferred an Appeal, viz., Land Acquisition Civil Miscellaneous Appeal No.9 of 2007 on the file of the II Additional Sub Court, Cuddalore, for

enhancement of compensation. The learned II Additional Sub Judge, Cuddalore, by judgment, dated 10.08.2011, enhanced the compensation from Rs.1,47,706 to Rs.12,29,520/-. Aggrieved by the said enhancement, the second respondent/Land Acquisition Officer preferred Second Appeal before this Court, being S.A.No.343 of 2013, and the said Second Appeal was referred to the Megal Lok Adalat, held on 23.11.2013, wherein, the petitioner and the second respondent arrived at a settlement and an award was passed on the said date, under the heading "Terms of Settlement", which is extracted hereunder:-

The appellant and the respondent and their respective counsel are present today.

2. After negotiation, the respondent/claimant agreed to accept 15% solatium and interest at the rate of 6 % as against 30% solatium and 12% interest respectively, as awarded by the Court below.

3. The learned Government Advocate appearing for the appellant has also agreed for the above said settlement.

4. Both the parties agreed that in clause 2 of the decree, instead of 30% solatium and 12% interest, the solatium shall be substituted as 15% solatium and 6% interest, and in all other aspects, the decree passed by the Court below stands confirmed.

5. In view of the abovesaid settlement, as arrived at between the parties, the decree passed by the Court below is modified to the extent that instead of 30% solatium and 12% interest, the solatium is fixed at 15% and the interest is fixed at the rate of 6%, and in all others aspects, the decree passed by the Court below stands confirmed.

The appellant is directed to deposit the modified award amount, as stated supra, before the concerned court, within a period of two months from the date of receipt of a copy of this judgment"

4. Thus, as per the terms of settlement, the second respondent is bound to settle the amount to the petitioner within a period of two months from the date of receipt of the copy of that judgment. Though two years have elapsed, the compensation amount

has not been paid to the petitioner. Hence, the petitioner made representation, dated 08.09.2014, to the first respondent/District Collector, to settle the amount, as per the terms of settlement arrived at between the parties in the Mega Lok Adalath, held on 23.11.2013. As the said representation evoked no response, the petitioner is before this Court by way of filing present Writ Petition seeking for the aforesaid prayer.

5. In view of the abovesaid facts and circumstances of the case, this Writ Petition is disposed of, by directing the first respondent/District Collector to consider the petitioner's representation, dated 08.09.2014, and settle the amount as per the terms of the settlement arrived at between the parties, (viz., the petitioner and the second respondent herein) before the Lok Adalath within a period of 30 days from the date of receipt of a copy of this order. No costs.

Sd/-  
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

sd

TO

1. The District Collector,  
Cuddalore.
2. The Special Tahsildar,  
Adi Dravidar Welfare,  
CUDDALORE.

1 CC TO GOVERNMENT PLEADER, SR. 20421

1 CC TO MR.S. MOHANASUNDARARAJAN, ADVOCATE, SR. 20225

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GGK (CO)  
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