

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.13184 of 2015

S.Giridharan
S/o.Soundararajan

...Petitioner

-Vs-

1. The Government of Tamil Nadu,
represented by its Secretary,
Housing & Urban Development Department,
Secretariat, Chennai - 600 009.
2. Tamil Nadu Housing Board,
represented by its
Managing Director,
Nandanam, Chennai.
3. The Executive Engineer,
Tamil Nadu Housing Board,
Coimbatore.
4. The Special Tahsildar,
Land Acquisition,
Housing Scheme I,
Coimbatore - 18.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to forthwith consider and pass orders on the representation of the petitioner dated 18.04.2015 submitted for payment of compensation together with all other statutory benefits towards acquisition of the land of the petitioner in accordance with the judgment and award passed by the learned I Additional Subordinate Judge, Coimbatore, dated 29.04.2005 in L.A.O.P.No.244 of 1990 as confirmed by the Honourable Supreme Court in S.L.P.(C). No.3969 of 2011.

For Petitioner : Mr.Kandhan Duraisami
For Respondents : Mr.Duraisolaimalai
Additional Government Pleader [R1 & R4]
Mr.B.Vivekavanam [R2 & R3]

O R D E R

By consent, the writ petition itself is taken up for final disposal.

2. The petitioner was the absolute owner of the land admeasuring an extent of 3.30 acres in S.Nos.52 and 53, Ganapathy Village, Coimbatore North Taluk, Coimbatore and after acquisition, compensation was awarded in Award No.3 of 1987 fixing a sum of Rs.200/- per cent as compensation. Petitioner, aggrieved by the inadequate compensation, sought a reference under section 18 of the Land Acquisition Act in L.A.O.P.No.244 of 1990 on the file of learned Sub Judge, Coimbatore. The said Court, under judgment dated 29.04.2005, has fixed a sum of Rs.6,000/- per cent as compensation along with statutory benefits. The State, aggrieved by the enhancement of compensation, filed A.S.No.963 of 2005 before this Court and this Court vide judgment dated 21.12.2009 reduced the compensation from Rs.6,000/- to Rs.2,000/- per cent. The said order was put to challenge before the Honourable Supreme Court in S.L.P.(C) No.3969 of 2011. Under judgment dated 23.09.2014, the appeal was allowed and the judgment and decree passed in L.A.O.P.No.244 of 1990 dated 29.04.2005 was restored. The grievance expressed by the petitioner is that though the Honourable Supreme Court has passed an order as early as on 23.09.2014, the respondents 2 and 3 did not deposit the amount and in this regard, the petitioner submitted a detailed representation dated 18.04.2015. Since the said representation has not been disposed of, the petitioner came forward with this present writ petition.

3. Heard the submissions made by Mr.Kandhan Duraisami, learned counsel for the petitioner, Mr.Duraisolaimalai, learned Additional Government Pleader, who accepts notice for respondents 1 and 4 and Mr.B.Vivekavanam, learned standing counsel, who accepts notice for respondents 2 and 3 and submits that after the decision of the Honourable Supreme Court of India, emergent steps are being taken to deposit the balance amount. The said submission, on instructions, is placed on record.

4. This Court, considering the limited scope of prayer sought for and without going into the merits of the petitioner's representation, directs the respondents 1 to 3 to consider and dispose of the petitioner's representation dated 18.04.2015 in accordance with law and pass orders within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision to the petitioner.

Accordingly, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

gm

To

1. The Secretary,
Government of Tamil Nadu,
Housing & Urban Development Department,
Secretariat, Chennai - 600 009.
2. The Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai.
3. The Executive Engineer,
Tamil Nadu Housing Board,
Coimbatore.
4. The Special Tahsildar,
Land Acquisition,
Housing Scheme I,
Coimbatore - 18.

1 CC to M/s. Muthumani Doraisami, Advocate SR.No. 24068
1 CC to the Government Pleader, SR.No. 29253

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JP (CO)
PSI (08.05.2015)