

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.15421 of 2015

1.1.G.Raguram

2.G.Jayaram

Rep. By their Power of Attorney,
Agent K.S.Govindarajan

... Petitioners

- Vs -

1.The Government of Tamil Nadu,
Rep. By its Secretary,
Housing & Urban Development Department,
Secretariat, Chennai 600 009.

2.Tamil Nadu Housing Board,
Rep. By its Managing Director,
Nandanam, Chennai.

3.The Executive Engineer,
Tamil Nadu Housing Board,
Coimbatore 641 012...

4.The Special Tahsildar,
Land Acquisition,
Housing Scheme I,
Coimbatore-18.

... Respondents

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

Petitioner : Mr.Muthumani Doraisami

For Respondents : Mr.R.Vijayakumar, AGP for R1 & R4
Mr.B.Vivekavanam for R2 and R3

ORDER

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

2. The petitioners claim that they were the absolute owner of the lands admeasuring to an extent of 3.31 Acres comprised in S.Nos.52 and 53 of Ganapathy Village, Coimbatore North Taluk, Coimbatore. The said lands were acquired during 1987 for the purpose of housing scheme floated by The Tamil Nadu Housing Board and an award in Award No.3 of 1987 dated 06.05.1987 was passed by the Special Tahsildar fixing a sum of Rs.200/- per cent towards compensation. Thereafter, at the instance of the petitioner, a reference under Section 18 of The Land Acquisition Act, 1894 was made by the Special Tahsildar to the I Additional Subordinate Judge, Coimbatore which was taken on file in L.A.O.P.No.244 of 1990 by the learned I Additional Subordinate Judge, Coimbatore. The learned I Additional Subordinate Judge, by judgement dated 29.04.2005, enhanced the compensation to Rs.6,000/- per cent with all statutory entitlements. Aggrieved by the same, the State preferred an appeal in A.S.No.963 of 2005 before this court and by judgement dated 21.12.2009, this court has reduced the compensation by fixing a sum of Rs.2,000/- per cent. The judgement made in A.S.No.963 of 2005 was put on challenge before the Hon'ble Supreme Court of India in Special Leave Petition in SLP (Civil) No.3969 of 2011 and by order dated 23.09.2014, the Hon'ble Supreme Court has allowed the special leave petition and confirmed the order passed in LAOP No.963 of 2005 by the I Additional Subordinate Judge, Coimbatore. In this regard, the petitioners collectively submitted a representation to the respondents to act in terms of the order of the Hon'ble Supreme Court of India. Since they have not been favoured with any kind of response, they have come forward with this writ petition.

2. Mr.Muthumani Doraisami, the learned counsel for the petitioners has drawn the attention of this court to the order dated 29.04.2015 made in W.P.No.13184 of 2015 wherein in a similar fact and circumstance, this court directed the concerned authorities to dispose of the representation of the petitioner therein.

3. Heard Mr.R.Vijayakumar, Additional Government Pleader, who accepts notice for the respondents 1 and 4, and Mr.B.Vivekavan, the learned standing counsel, who accepts notice for the respondents 2 and 3 as well.

4. This court, considering the limited scope of prayer sought for and without going into the claim projected by the petitioner, directs the respondents 1 to 3 to consider the representation dated 18.04.2015 made by the petitioner collectively in accordance with law and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision to the petitioners.

5. The writ petition is disposed of accordingly. No cost.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

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To

- 1.The Secretary to 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. 26071
1 cc to Government Pleader, Sr. 26154
1 cc to M/s.B. Vivekavanam, Advocate, Sr. 25988

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