

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03-07-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.19560 of 2015

K.Venkatesh

.. Petitioner

vs

- 1.The Government of Tamilnadu
rep. By its Secretary
Housing and Urban Development
Department
Secretariat, Chennai 600 009
 - 2.The Tamil Nadu Housing Board
rep. By its Managing Director
Nandanam, Chennai
 - 3.The Executive Engineer
Tamilnadu Housing Board
Coimbatore 641 012
 - 4.The Special Tahsildar
Land Acquisition
Housing Scheme I
Coimbatore 641 012
- .. 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 27.5.2015 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 I Additional Subordinate Judge, Coimbatore dated 29.4.2005 in LAOP No.244 of 1990 as confirmed by the Hon'ble Supreme Court in SLP © No.3969 of 2010.

For Petitioner : Mr.R.Sreerangan
For Respondents : Mr.R.A.S.Senthilvel
Additional Government Pleader
for RR1 & 4
Mr.B.Vivekavanam for RR2 & 3

ORDER

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

2.The petitioner would state that he along with his father and sister were the absolute owners of the landed properties admeasuring to an extent of 4 acre and 30 cents in Survey No.48 and 4 acres and 87 cents in Survey No.49, of Ganapathy Village, Coimbatore North Taluk, Coimbatore, and the above lands were acquired under the Land Acquisition Central Act, 1894, for Housing Scheme of the Tamil

Nadu Housing Board and an Award No.3 of 1987 dated 6.5.1987, was passed by the Special Tahsildar (Land Acquisition), Tamil Nadu Housing Scheme-I, Coimbatore, fixing a sum of Rs.200/- per cent, towards compensation, and aggrieved by the inadequacy of compensation, references were made under Section 18 of the said Act before the Court of I Additional Subordinate Judge, Coimbatore, and vide Award and Judgment dated 29.4.2005, in LAOP No.24 of 1990, the Reference Court has fixed a sum of Rs.6,000/- per cent, towards compensation, with solatium and other entitlements.

3. According to the petitioner, an appeal was filed in A.S.No.963 of 2005 on the file of this Court, challenging the Award passed by the Reference Court and this Court vide judgment dated 21.12.2009, has reduced the compensation by fixing a sum of Rs.2,000/- per cent and once again, it was put to challenge by filing a Special Leave Petition in SLP (C) No.3969 of 2011, and the Hon'ble Supreme Court of India has confirmed the judgment and award passed by the trial Court.

4. The petitioner would further state that he approached the authorities several times to pay the compensation as fixed by the Hon'ble Supreme Court of India in the above cited case, and a representation was also submitted on 27.5.2015, to the respondents praying for fixation of compensation in terms of the above cited order, and since no response is forthcoming, has come forward to file this writ petition.

5. Heard the submissions of the learned Counsel appearing for the petitioner, who has drawn the attention of this Court to the similar order dated 29.4.2015, passed in W.P.No.13183 of 2015, and prays for appropriate orders.

6. The Court heard the submissions of Mr.R.A.S.Senthilvel, learned Additional Government Pleader, who accepted notice on behalf of the respondents 1 and 4 and Mr.B.Vivekavanam, learned Standing Counsel, who accepted notice on behalf of the respondents 2 and 3, also.

7. This Court, without going into the merits of the representation, directs the respondents 1 to 3 to consider and dispose of the petitioner's representation dated 27.5.2015, on merits and 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 taken, to the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

nsv

To:

1.The Secretary to Government
Housing and Urban Development
Department
Secretariat, Chennai 600 009

2.The Managing Director
Tamil Nadu Housing Board
Nandanam, Chennai

3.The Executive Engineer
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4.The Special Tahsildar
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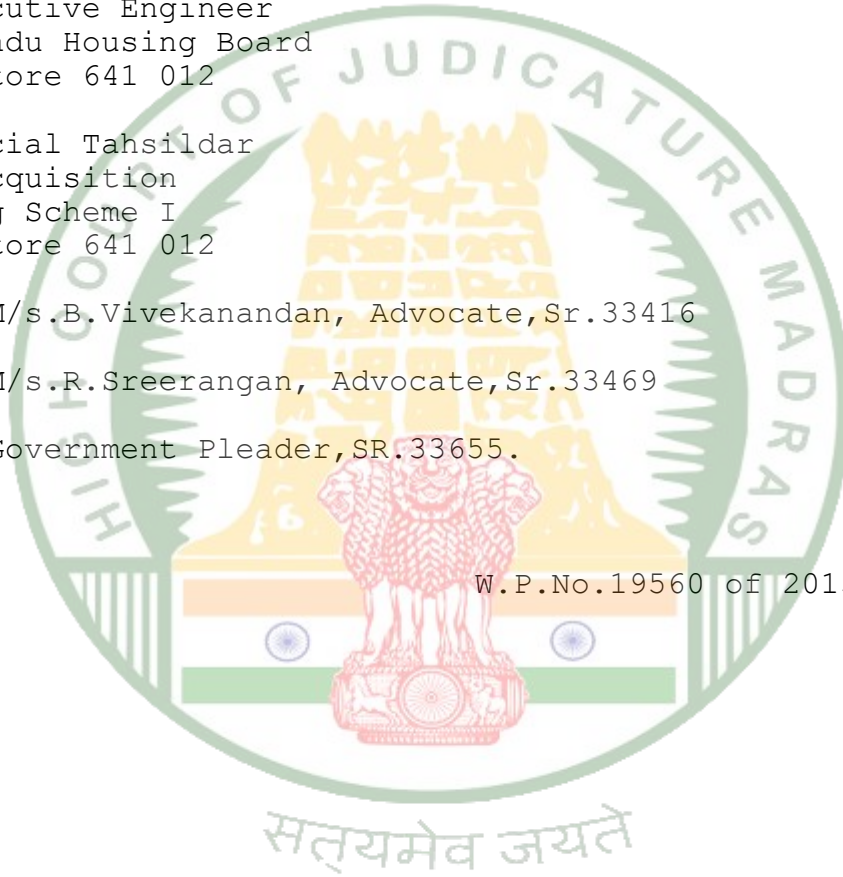
+1 cc to M/s.B.Vivekanandan, Advocate,Sr.33416

+1 cc to M/s.R.Sreerangan, Advocate,Sr.33469

+1 cc to Government Pleader,SR.33655.

Ala(co)
krd 14/7

W.P.No.19560 of 2015



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