

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-07-2016

CORAM

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

WRIT PETITION No.29628 of 2015
and
MP No.1 of 2015

1.Chakrapani
2.Periyasamy
3.Selvaraj
4.Krishnamurthy ... Petitioners

Vs.

1.The District Collector,
Cuddalore.
2.The Special Thasildhar,
Land Acquisition,
Adidravida Welfare,
Virudhachalam.
3.The Secretary to Government,
Government of Tamil Nadu,
Adi Dravidar Tribal Welfare Department,
Fort St. George,
Chennai.
(R-3 is suo-motu impleaded as per order
of Court dated 23.9.2015) ... Respondents

Writ Petition is filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to pay the compensation of Rs.32,56,773/- with interest for having acquired the petitioners' lands in S.No.73/1 - 2.43.0 hectares and S.No.102/1A - 0.67.5 hectares and S.No.103/1A1 - 0.20.0 ares totalling 3.30.5 hectares (8.16 acres) situate at D.Elamangalam village, Cuddalore District and as ordered by this Court in Second Appeal No.1539 of 2005 dated 27.2.2012.

For Petitioners : Mr.N.Suresh
For Respondents : Mr.V.Jayaprakash Narayanan,
Special Government Pleader.

O R D E R

The petitioners have filed this writ petition for a Mandamus, seeking a direction to the respondents to pay a sum of Rs.32,56,773/- with interest as compensation for the lands acquired from them.

2. The petitioners' lands comprised in Survey No.73/1 to an extent of 2.43.0 hectares, in Survey No.102/1A to an extent of 0.67.5 hectares and in Survey No.103/1A1 to an extent of 0.20.0 ares totalling 3.30.5 hectares (8.16 acres) situate at D.Elamangalam Village, Cuddalore District, were acquired for the purpose of providing house-sites to Adi Dravidars by virtue of 4 (1) notification dated 3.3.2003. The quantum of compensation had reached its finality in the Second Appeal No.1539 of 2005 before this Court and a sum of Rs.32,56,773/- was fixed, namely Rs.3 lakhs per acre with solatium. Even the review petition filed against the said quantum of compensation was also dismissed on 10.12.2013. Thereafter, E.P. was filed in E.P.No.102 of 2012 before the Principal Sub Court, Virudhachalam. However, no amount has been recovered. Therefore, the petitioners were compelled to approach this Court by way of filing this writ petition.

3. Heard Mr.N.Suresh, learned counsel appearing for the petitioners and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader for the respondents.

4. A counter has been filed by the third respondent stating that the proposal in this regard is under active consideration of the Government and it will take three months time to pay the amount. Paragraph-5 of the counter-affidavit reads as follows:-

"5. In this connection, I humbly submit that as per the order dated 27.02.2012 of the Hon'ble High Court of Madras in Second Appeal No.1539 of 2005, necessary action is being taken to sanction the enhanced compensation in respect of Thiru Chakrapani and others (Herein the petitioner in W.P.No.29628 of 2015) for their land of an extent of 8.16 Acres in S.No.73-1, S.No.102/1A -0.67.5 and S.No.103/1A1 situated at T.Elamangalam Village, Cuddalore District and the proposal is under active consideration of the Government. It is further submitted that the remarks of the Advisory Departments have to be obtained and orders in circulation upto the Hon'ble Chief Minister is also necessary to sanction the amount. It is, therefore, prayed

the Hon'ble High Court, Chennai may be pleased to grant time for a period of three months from the date of filing of this affidavit and the Hon'ble High Court may be pleased to pass appropriate orders and thus render justice."

5. The quantum of compensation fixed by this Court has not been set aside or modified. When the quantum had reached its finality as early as in the year 2013, the respondents have got no escape except paying the amount. Therefore, as per the request of the third respondent, three months time is granted to take appropriate action either to make payment to the petitioners directly or to produce Demand Draft or Banker's cheque, before this Court on 13.10.2016, failing which the third respondent-Secretary to Government and the first respondent-District Collector shall appear before this Court on or before 14.10.2016.

6. The writ petition is ordered in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

Call the matter on 14.10.2016.

Svn.

s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

To

1.The District Collector,
Cuddalore.

2.The Special Thasildhar,
Land Acquisition,
Adidravida Welfare,
Virudhachalam.

3.The Secretary to Government,
Government of Tamil Nadu,
Adi Dravidar Tribal Welfare Department,
Fort St. George,
Chennai.

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