

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2016

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN

W.P.No.8080 of 2015

G.Duraipillai

... Petitioner

Vs.

1 The Collector,
Thiruvallur District,
Thiruvallur.

2 Revenue Divisional Officer,
Ponneri,
Thiruvallur district.

3 Thasildar
Ambattur

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the Collector, Thiruvallur District, the first Respondent herein to pay the compensation on petitioner land and house acquired by the Respondents situated in Survey No.141/1 of Karambakkam village in Thiruvallur District as per order in W.P.No.5129/2001 dated 28/01/2011.

For Petitioner : Ms.A.Sumathi
for Dr.R.Sampathkumar

For Respondents : Mr.R.Ravichandran
Additional Government Pleader

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O R D E R

This writ petition has been filed by the petitioner praying that this Court may be pleased to issue a Writ of Mandamus, to direct the first respondent to pay compensation to the petitioner, in respect of the land, in Survey No.141/1 of Karambakkam Village, in Thiruvallur District, in view of the order passed by this Court, in W.P.No.5129 of 2001, dated 28.01.2011.

2.The petitioner has filed the present writ petition stating that he was the erstwhile owner of the land acquired by the respondents, in Survey No.141/1 of Karambakkam Village, in Thiruvallur District. Even though the petitioner was the owner of the said land, no compensation had been paid to him after the land had been acquired. Therefore, the petitioner, on an earlier occasion, had filed a writ petition before this Court, in W.P.No.5129 of 2001 and this Court, by an order, dated 28.01.2011, had passed an order disposing of the writ petition, with liberty to the petitioner to recover the compensation deposited by the respondents, in view of the said acquisition. However, as the respondents had not paid the amount to the petitioner, he has preferred the present writ petition before this Court.

3.A counter affidavit has been filed on behalf of the second respondent. Paragraph no.2 of the said counter affidavit reads as follows:

"2.I humbly submit that a verification of the connected precious records available in this office shows that an extent of 0.54 acres in survey number 141/1B, 0.22.0 Hectares (0.54 acres) out of 0.25.5 Hectares in survey number. 141/1 has been acquired by then Special Tahsildar (LA) National Highway Bye Pass Road, Saidapet, Chennai - 15 and compensation amount of Rs.4,71, 676.00 has been awarded in favour of Thiru.Murugesha Naicker (2), Parameshwari, Renu Gopal (3), Uma (4), NagoorMeeran (5), Palanivel (6), Kathuri (7), Selvan (8) in award No.6/94 dated 10.06.94 and necessary 12(2) notice has been issued under L.A Act 1894 on 01.04.2013 and the compensation amount has been ordered to be kept in RD as awardees not turned up to receive compensation at that time in the Special Tahsildar (LA) proceedings No.261/69 dated 19.01.98 and compensation amount ordered to be kept in RD will be refunded to them as and when the respective land owner approach the office for making payment surrendering the respective land owner approach the office for making payment surrendering the respective documents proving their ownership and the total amount along with others compensation amount of Rs.56,13,434/- has been kept in Assistant Treasury Office, Saidapet in R.D.No.S.T.7 (TR.No.22) Dated 11.08.98 under 8443 Civil

deposit, Revenue Deposit."

4.Since the petitioner has not proved his ownership, the amount of Rs.56,13,434/- kept in the Assistant Treasury Office, Saidapet in R.D.No.S.T.7(TR.No.22), dated 11.08.1998, had not been disbursed as the erstwhile owners of the property in question had not come forward to claim the said amount. He had further submitted that it is for the petitioner to prove that he is the owner of the land in question, before the first respondent, before making the claim for the said amount.

5.In view of the submissions made by the learned counsel appearing on behalf of the petitioner, as well as the learned Additional Government Pleader appearing on behalf of the respondents, this Court is of the considered view that it is for the petitioner to appear before the first respondent, along with the necessary records, to prove that he is the erstwhile owner of the land in question. Thereafter, the first respondent shall decide the claim and shall pass an order relating to the claim of the petitioner, after giving an opportunity of hearing to the petitioner, as well as to the other persons concerned, in whose names the award, in award No.6/94, dated 10.06.1994, had been passed. The first respondent shall pass appropriate orders, within a period of twelve weeks from the date of the appearance of the petitioner, as noted above. However, if the first respondent is of the view that the petitioner has to establish his title, with regard to the property in question, by filing a civil suit, it is for the first respondent to direct the petitioner to do so and to obtain necessary orders in accordance with law, before making a claim for the payment of the compensation, in respect of the land, in Survey No.141/1 of Karambakkam Village, in Thiruvallur District.

6.The writ petition is disposed of with the above observation. No costs.

Sd/-

Assistant Registrar(CS VII)

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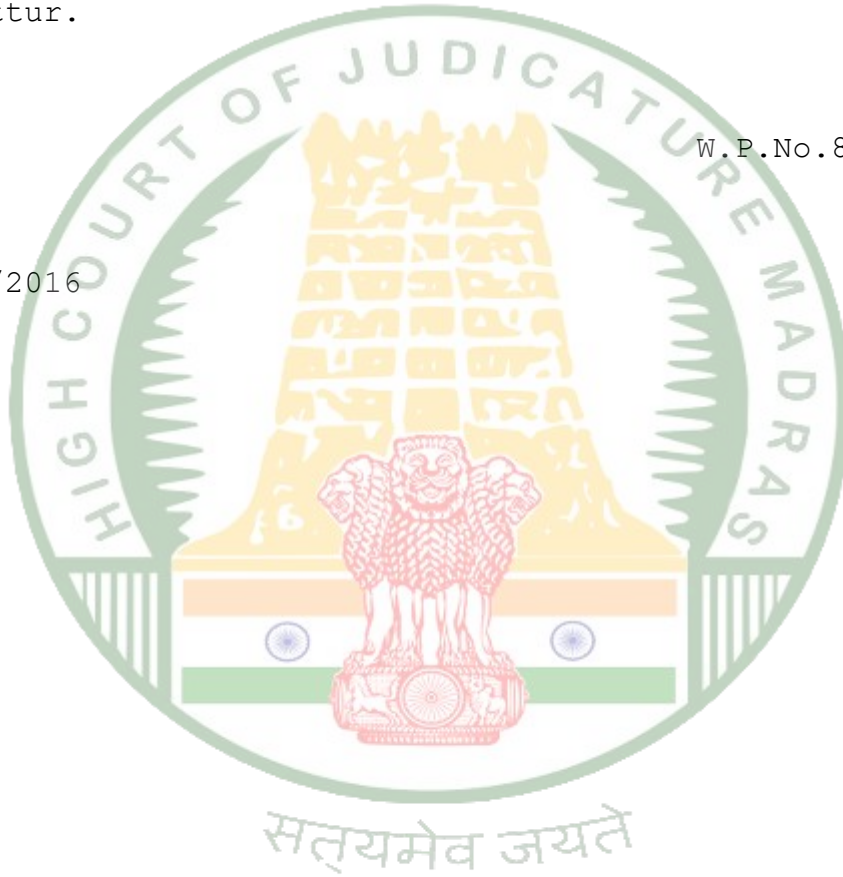
Sub Assistant Registrar

To

- 1 The Collector,
Thiruvallur District,
Thiruvallur.
- 2 Revenue Divisional Officer,
Ponneri,
Thiruvallur district.
- 3 Thasildar,
Ambattur.

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