

IN THE HIGH COURT OF JUDICATURE AT MADRAS

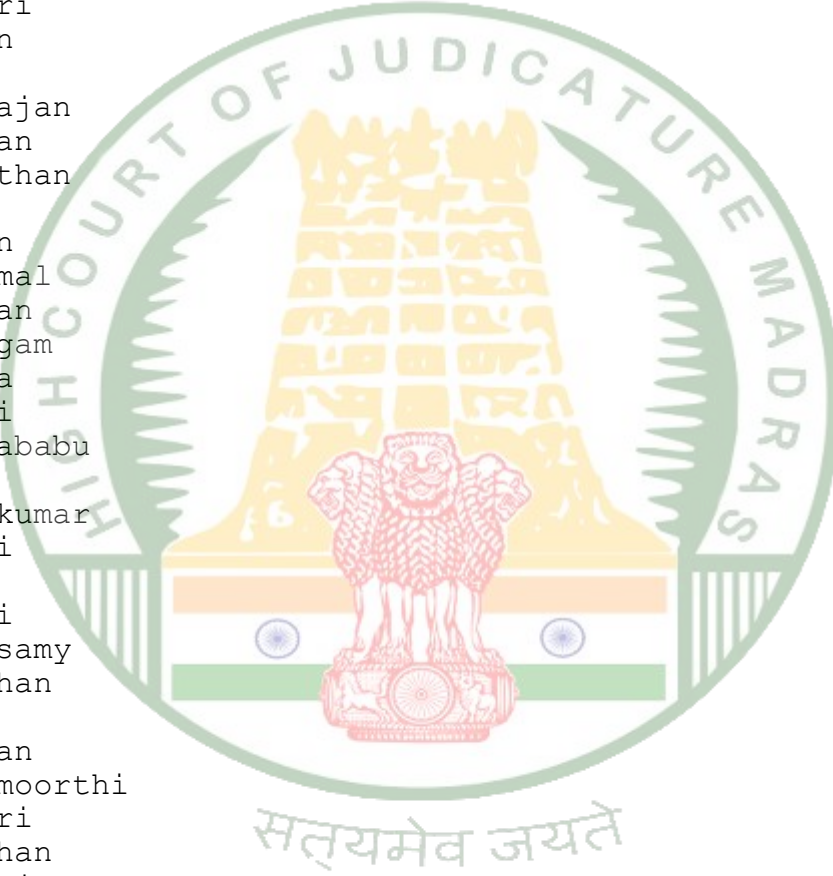
DATED: 13-07-2016

CORAM

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

WRIT PETITION No.23015 of 2016

- 1.Sambandamurthy
- 2.Rajeshwari
- 3.Natarajan
- 4.Anandan
- 5.Varatharajan
- 6.Jaganmohan
- 7.Dhaivanathan
- 8.Sigamani
- 9.Murugesan
- 10.Sarojammal
- 11.Parthipan
- 12.Sivalingam
- 13.Vasantha
- 14.Kasthuri
- 15.Rajendrababu
- 16.Uthaman
- 17.Senthilkumar
- 18.D.Devagi
- 19.Dharman
- 20.Pichandi
- 21.Govindasamy
- 22.Amranathan
- 23.Moorthi
- 24.Kumaresan
- 25.Krishnamoorthi
- 26.Rajeswari
- 27.Ragunathan
- 28.Soundarajan
- 29.Palani
- 30.Tmt.Susila



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.. Petitioners in
WP.No.23015/2016

Vs.

- 1.The Secretary to Government,
Government of Tamil Nadu,
Highways and Minor Ports Department,
Secretariat, Fort St. George,
Chennai-600 009.

2.The Revenue Divisional Officer,
Land Acquisition Officer,
Revenue Divisional Office,
Tirupattur,
Vellore District-635 601.

.. 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 enhanced compensation as per the common order dated 29.8.2005 passed in LAOP Nos. 189/2002, 191/2002, 173/2002, 174/2002, 176/2002, 177/2002, 178/2002, 179/2002, 180/2002, 181/2002, 183/2002, 184/2002, 185/2002, 186/2002, 187/2002, 188/2002, 198/2002, 190/2002, 172/2002, 192/2002, 193/2002, 194/2002, 195/2002, 196/2002, 197/2002, 199/2002, 200/2002, 201/2002, 202/2002 and 203/2002 by the Additional District and Sessions Judge, Fast Track Court, Tirupattur for Land Acquisition and based on the petitioners' representation dated 27.5.2016.

For Petitioners : Mr.V.Srikanth
For Respondents : Mr.R.M.Muthukumar,
Government Advocate.

O R D E R

The petitioners are the owners of the properties which have been described in paragraph-3 of the affidavit reads as follows:-

"3. I submit that I am the owner of the land property situated at S.No.70/1B Golamangalam Village, Vaniyambadi Taluk, Vellore District and Admeasuring 0.09.0 Hect. The second petitioner and other is the owner of the land property situated at S.No.71/1B Golamangalam Village, Vaniyambadi Taluk, Vellore District and Admeasuring 0.03.0 Hect. The 3rd petitioner and other is the owner of the land property situated at S.No.27/1C2 & 27/4C1 Golamangalam Village, Vaniyambadi Taluk, Vellore District, Admeasuring 0.00.5 & 0.01.0 Hect. The 4th petitioner and other is the owner of the land property situated at S.No.27/4D1 Golamangalam Village, Vaniyambadi Taluk, Vellore District and Admeasuring 0.01.0 Hect. 5th petitioner and other is the owner of the land property situated at S.No.27/1D, 27/4D1 & 27/41 Golamangalam Village, Vaniyambadi Taluk, Vellore District, Admeasuring 0.08.0 (1/3rd), 0.02.0 & 0.03.0 (1/4th) Hect. The 6th petitioner and other is the owner of the land property situated at S.No.27/1D, 27/4D1 & 27/41 Golamangalam Village, Vaniyambadi Taluk, Vellore District, Admeasuring 0.08.0, 0.02.0 (1/3rd) & 0.03.0 (1/4th) Hect. The 7th petitioner and other is

the owner of the land property situated at S.No.27/1B2, 27/4B1 & 27/41 Golamangalam Village, Vaniyambadi Taluk, Vellore District, Admeasuring 0.00.24, 0.01.5 & 0.03.0 (1/4th) Hect. The 8th petitioner and other is the owner of the land property situated at S.No.27/1A2, 27/4A & 27/4L1 Golamangalam Village, Vaniyambadi Taluk, Vellore District, Admeasuring 0.03.5, 0.02.0 & 0.00.5 Hect. The 9th petitioner and other is the owner of the land property situated at S.No.27/4 & 27/4B Golamangalam Village, Vaniyambadi Taluk, Vellore District, Admeasuring 0.02.5 & 0.00.5 Hect. The 10th petitioner and other is the owner of the land property situated at S.No.28/2A Golamangalam Village, Vaniyambadi Taluk, Vellore District and Admeasuring 0.04.5 Hect. The 11th petitioner and other is the owner of the land property situated at S.No.28/6A Golamangalam Village, Vaniyambadi Taluk, Vellore District and Admeasuring 0.02.5 Hect. The 12th petitioner and other is the owner of the land property situated at S.No.29/1A Golamangalam Village, Vaniyambadi Taluk, Vellore District and Admeasuring 0.02.0 (1/2th) Hect. The 13th petitioner and other is the owner of the land property situated at S.No.29/1A Golamangalam Village, Vaniyambadi Taluk, Vellore District and Admeasuring 0.02.0 (1/2th) Hect. The 14th petitioner and other is the owner of the land property situated at S.No.30/1A2, 30/1B2 & 30/3B1 Golamangalam Village, Vaniyambadi Taluk, Vellore District, Admeasuring 0.02.5, 0.01.5 & 0.02.0 Hect. The 15th petitioner and other is the owner of the land property situated at S.No.30/3D1 & 31/1A1 Golamangalam Village, Vaniyambadi Taluk, Vellore District and Admeasuring 0.03.5 & 0.01.5 Hect. The 16th petitioner and other is the owner of the land property situated at S.No.31/1B1 Golamangalam Village, Vaniyambadi Taluk, Vellore District and Admeasuring 0.04.5 Hect. The 17th petitioner and other is the owner of the land property situated at S.No.157/1B4A Golamangalam Village, Vaniyambadi Taluk, Vellore District and Admeasuring 0.01.0 (1/3rd) Hect. The 18th petitioner and other is the owner of the land property situated at S.No.69/1 & 70/3A Golamangalam Village, Vaniyambadi Taluk, Vellore District, and Admeasuring 0.06.0 & 0.09.0 Hect. The 19th petitioner and other is the owner of the land property situated at S.No.27/2A & 27/2B1 Golamangalam Village, Vaniyambadi Taluk, Vellore District, Admeasuring 0.04.5 & 0.06.0 Hect. The 20th

petitioner and other is the owner of the land property situated at S.No.71/3B1 Golamangalam Village, Vaniyambadi Taluk, Vellore District and Admeasuring 0.00.28 Hect. The 21st petitioner and other is the owner of the land property situated at S.No.72/1 Golamangalam Village, Vaniyambadi Taluk, Vellore District and Admeasuring 0.00.38 Hect. The 22nd petitioner and other is the owner of the land property situated at S.No.157/11 Golamangalam Village, Vaniyambadi Taluk, Vellore District, Admeasuring 0.03.0 Hect. The 23rd petitioner and other is the owner of the land property situated at S.No.157/1B3A Golamangalam Village, Vaniyambadi Taluk, Vellore District, and Admeasuring 0.00.34 Hect. The 24th petitioner and other is the owner of the land property situated at S.No.157/1B4A Golamangalam Village, Vaniyambadi Taluk, Vellore District, and Admeasuring 0.01.0 (1/3rd) Hect. The 25th petitioner and other is the owner of the land property situated at S.No.157/1B1A Golamangalam Village, Vaniyambadi Taluk, Vellore District, and Admeasuring 0.01.0 (1/3rd) Hect. The 26th petitioner and other is the owner of the land property situated at S.No.157/1B4A Golamangalam Village, Vaniyambadi Taluk, Vellore District, and Admeasuring 0.01.0 (1/3rd) Hect. The 27th petitioner and other is the owner of the land property situated at S.No.157/12 Golamangalam Village, Vaniyambadi Taluk, Vellore District, and Admeasuring 0.00.5 Hect. The 28th petitioner and other is the owner of the land property situated at S.No.157/13 Golamangalam Village, Vaniyambadi Taluk, Vellore District, and Admeasuring 0.00.5 (1/3rd) Hect. The 29th petitioner and other is the owner of the land property situated at S.No.157/13 Golamangalam Village, Vaniyambadi Taluk, Vellore District, and Admeasuring 0.00.5 Hect. The 30th petitioner and other is the owner of the land property situated S.No.157/13 Golamangalam Village, Vaniyambadi Taluk, Vellore District, and Admeasuring 0.00.5 (1/3rd) Hect."

2. The following extent of properties have been acquired by the second respondent by virtue of proceedings dated 6.8.1999:-

S. No.	Name	Extent Acquired	Survey No.	Award amount along with statutory benefits, 30% solatium 12% Addl amount 9% interest for 1 year 15% interest from Date of possession up to 6.8.99 (Date of passing of award)	L.A.O. P No.	Enhanced Compensation along with statutory benefits, 30% Solatium 12% Addl amount 9% interest for 1 year 15% interest up to as on 13.7.2016
1.	Sambandam urthy	0.09.00 Hect	70/1B	Rs.15824.00	189/02	Rs.1339152.00
2.	Rajeshwari	0.03.0 Hect	71/1B	Rs.5275.00	191/02	Rs.446335.00
3.	Natarajan	0.01.50 Hect	27/1C2 & 27/4C1	Rs.2637.00	173/02	Rs.223241.00
4.	Anandan	0.01.00 Hect	27/4D1	Rs.1965.00	174/02	Rs.147999.00
5.	Varatharajan	0.04.09 Hect	27/1D, 27/4D1, 27/41	Rs.7180.00	176/02	Rs.607651.00
6.	Jaganmohan	0.04.09 Hect	27/1D, 27/4D1 & 27/41	Rs.7180.00	177/02	Rs.607651.00
7.	Daivanathan	0.02.49 Hect	27/1B2, 27/4B1 & 27/41	Rs.4378.00	178/02	Rs.370449.00
8.	Sigamani	0.06.0 Hect	27/1A2, 27/4A & 27/4L1	Rs.10757.00	179/02	Rs.907366.00
9.	Murugesan	0.03.0 Hect	27/4 & 27/4B	Rs.5275.00	180/02	Rs.446335.00
10	Sarojamma	0.04.50 Hect	28/2A	Rs.7912.00	181/02	Rs.669576.00
11	Dharuman	0.03.00 Hect	28/5A	Rs.5680.00	182/02	Rs.464188.00
12	Parthipan	0.02.50 Hect	28/6A	Rs.4396.00	183/02	Rs.371969.00
13	Sivalingam	0.01.00 Hect	29/1A	Rs.1965.00	184/02	Rs.157642.00
14	Vasanthan	0.01.00 Hect	29/1A	Rs.1965.00	185/02	Rs.157642.00
15	Kasthuri	0.06.00 Hect	30/1A2, 30/1B2 & 30/3B1	Rs.11239.00	186/02	Rs.919804.00
16	Rajendrababu	0.05.00 Hect	30/3D1 & 31/1A1	Rs.8791.00	187/02	Rs.743941.00
17	Uthaman	0.04.50 Hect	31/1B1	Rs.7912.00	188/02	Rs.685005.00
18	Senthil Kumar	0.00.33 Hect	157/1B4A	Rs.586.00	198/02	Rs.49625.00
19	Devagi	0.15.00 Hect	69/1 & 70/3A	Rs.26374.00	190/02	Rs.2231821.00
20	Dharuman	0.10.50 Hect	27/2A & 27/2B1	Rs.18462.00	172/02	Rs.1562245.00
21	Pichandi	0.00.28 Hect	71/3B1	Rs.492.00	192/02	Rs.41605.00
22	Uthandassamy	0.09.38 Hect	72/1	Rs.668.00	193/02	Rs.56535.00

23	Amaranathan	0.03.0 Hect	157/11	Rs.5275.00	194/02	Rs.446335.00
24	Moorthi	0.00.3 4 Hect	157/1B3A	Rs.598.00	195/02	Rs.50590.00
25	Kumaresan	0.00.1 7 Hect	157/1B4A	Rs.293.00	196/02	Rs.24740.00
26	Krishnamoorthi	0.00.1 7 Hect	157/1B1A	Rs.293.00	197/02	Rs.24740.00
27	Rajeshwari	0.00.3 3 Hect	157/1B4A	Rs.586.00	199/02	Rs.49625.00
28	Ragunathan	0.00.5 0 Hect	157/12	Rs.879.00	200/02	Rs.74365.00
29	Soundarajan	0.00.1 7 Hect	157/13	Rs.293.00	201/02	Rs.24740.00
30	Palani	0.00.1 7 Hect	157/13	Rs.293.00	202/02	Rs.24740.00
31	Tmt.Susila	0.00.1 7 Hect	157/13	Rs.293.00	203/02	Rs.24740.00

3. The second respondent passed Awards fixing the compensation of Rs.63,763/- per hectare. Aggrieved over that, the petitioners have preferred LAOPs before the Referral Court in LAOP Nos.189/2002, 191/2002, 173/2002, 174/2002, 176/2002, 177/2002, 178/2002, 179/2002, 180/2002, 181/2002, 183/2002, 184/2002, 185/2002, 186/2002, 187/2002, 188/2002, 198/2002, 190/2002, 172/2002, 192/2002, 193/2002, 194/2002, 195/2002, 196/2002, 197/2002, 199/2002, 200/2002, 201/2002, 202/2002 and 203/2002 on the file of the learned Additional District and Sessions Judge, Fast Track Court, Tirupattur.

4. By a judgment and decree dated 29.8.2005, the Fast Track Court, Tirupattur fixed the compensation amount at Rs.11.20 per sq. ft. and enhanced the value of the superstructures at Rs.750/- per tree against the judgment and decree of the Referral Court. No further appeal has been preferred by the Government and it has attained its finality.

5. The petitioners, waiting for a longtime, jointly gave a representation on 27.5.2016 seeking payment of compensation fixed by the Fast Track Court on 29.8.2005. Though the said representation was received by the respondents on 3.6.2016, so far no amount has been paid and hence the petitioners have approached this Court by way of filing these writ petitions.

6. Heard Mr.V.Srikanth, learned counsel appearing for the petitioners and Mr.R.M.Muthukumar, learned Government Advocate appearing for the respondents.

7. There is no dispute with regard to the acquisition of properties by the respondents for the purpose of laying road. Similarly, the finality attained with regard to the quantum of compensation is on 29.8.2005. From 2005 onwards till date, no amount has been paid by the respondents. The petitioners have lost their respective properties and also unable to enjoy the judgment passed by the Referral Court. They waited sufficiently for 11 years and any further wait will only render injustice to them. Therefore, this Court has got no hesitation

than to direct the respondents to pay the amounts as per the judgment and decree passed in LAOP Nos. 189/2002, 191/2002, 173/2002, 174/2002, 176/2002, 177/2002, 178/2002, 179/2002, 180/2002, 181/2002, 183/2002, 184/2002, 185/2002, 186/2002, 187/2002, 188/2002, 198/2002, 190/2002, 172/2002, 192/2002, 193/2002, 194/2002, 195/2002, 196/2002, 197/2002, 199/2002, 200/2002, 201/2002, 202/2002 and 203/2002 by the Additional District and Sessions Judge, Fast Track Court, Tirupattur along with interest. The details have been given in the representation dated 27.5.2016.

8. Mr.R.M.Muthukumar, learned Government Advocate for respondents, on the instructions of Mrs.Jeyanthi, Additional Divisional Engineer, Highways, would submit that the Government requires three months time for making payment, taking into consideration the various processes required to be undergone, time is granted for making the payment of compensation to the respective petitioners on or before 13.10.2016. Call the matter on 17.10.2016 either for production of Demand Draft or Banker's cheque, failing which the respondents shall appear before this Court on that date.

9. The writ petition is ordered in the above terms. No costs.

13/07/2016

For Reporting Compliance

WP.Nos.23015 & 23016/2016: These cases having been posted on Monday, the Seventeenth Day of October 2016, under the Caption "For reporting Compliance" and pursuant to the orders of this Court dated 13/07/2016 and made herein and in the presence of the aforesaid Advocate the Court made the following order:

This court, by orders dated 13.7.2016, directed the respondents to pay the compensation, on or before 13.10.2016, to the petitioners.

When the matters are called today "For Reporting Compliance".

Mr.V.Ayyathurai, learned Additional Advocate General seeks eight more weeks to make the payment, stating certain reasons.

The endeavour of this court is only to see that the compensation amount is paid to the petitioners.

In that view of the matter, time is extended till 18.12.2016 for complying with the orders dated 13.7.2016.

Call the matters on 19.12.2016 for reporting compliance, failing which the first respondent shall appear before this court on that day.

Sd/-
Assistant Registrar(CS V)

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Sub Assistant Registrar

Svn.

To

1.The Secretary to Government,
Government of Tamil Nadu,
Highways and Minor Ports Department,
Secretariat, Fort St. George,
Chennai-600 009.

2.The Revenue Divisional Officer,
Land Acquisition Officer,
Revenue Divisional Office,
Tirupattur,
Vellore District-635 601.

1 cc to Mr.V.Srikanth, Advocate, sr.39766

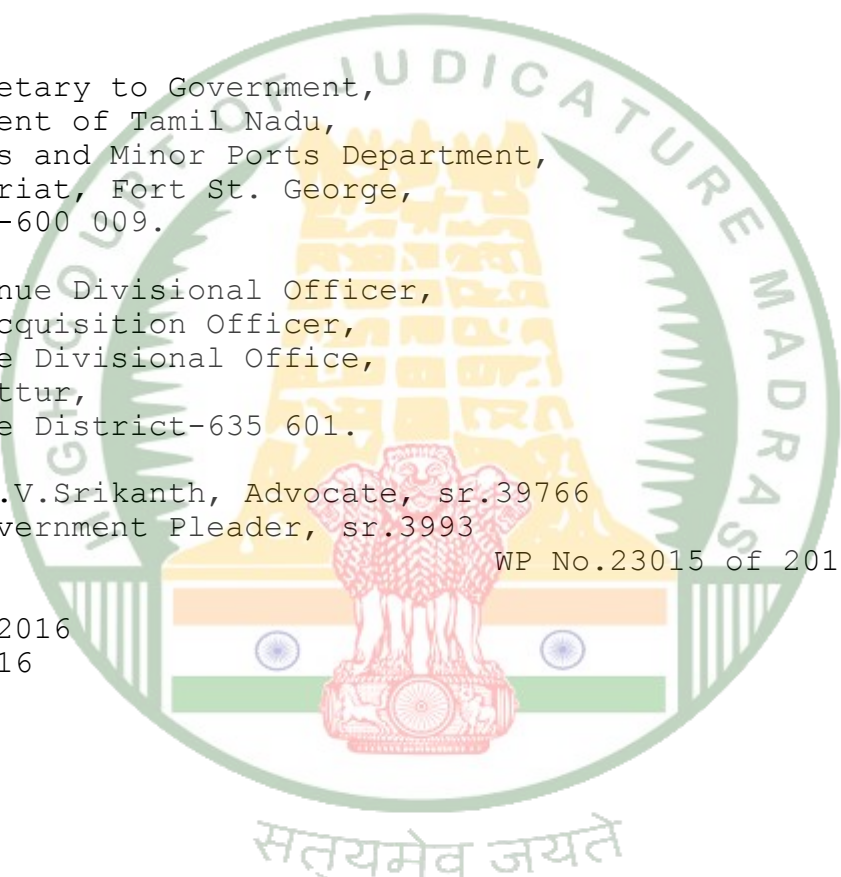
1 cc to Government Pleader, sr.3993

WP No.23015 of 2016

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