

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2016

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P. No.25467 of 2016

Gubendiran

...Petitioner

Vs.

1. The Secretary to Government (PWD)
Secretariat, Chennai.

2.The District Collector,
Collectorate, Tiruvannamalai,
Tiruvannamalai District.

3.The District Revenue Officer,
Collectorate, Tiruvannamalai,
Tiruvannamalai District.

4.The Tahsildar,
Kalasapakkam,
Tiruvannamalai District.

5.The Executive Engineer (WRO),
Middle Pennaiaru Division,
Tiruvannamalai,
Tiruvannamalai District.

...Respondents

Prayer : Writ petitions filed under Article 226 of the Constitution of India for issue of writ of mandamus directing the 5th respondent to implement the order passed by the 4th respondent in proceeding Na.Ka.AA1/5453/2015 dated 27.07.2015 and grant such other reliefs.

For Petitioner : Mr.R.Margabandhu

For Respondents: Mr.V.Jayaprakash Narayanan,

Special Govt. Pleader.

O R D E R

The petitioner's land comprised in Survey No.522/4 to an extent of 1 acre 89 cents at Gangavaram Village was acquired for construction of dam across Mirugandanadhi Dam for storing

the water at Melsolakuppam Village. Though initially compensation was paid to the petitioner and 29 others, the petitioner sought for reference to the Civil Court for enhancement of compensation under LAOP Nos.1/12 to 28/2012, 23/06 and 2/6 before Sub Court, Arani. These matters were referred to Lok Adalat by Sub Court, Arani and the award was passed and a total compensation was determined at Rs.93,28,375/- for all the 30 persons. The details of persons, survey numbers, extent of property acquired, LAOP numbers, total decree amount and the amount already paid and the net amount to be paid are all given in the following chart.

Sl .N o.	LAOP Nos.	Name of the Land owner	Survey No.	Extent - in cent	Decree Amt. Rs.	Amt. Already paid - Rs.	Net amt. To be paid - Rs.
1.	23/2006	Kubendiran	522/4	1.89	2,31,525/-	71,127/-	1,60,398/-
2.	2/2006	Sudhakaran	516/2	0.25	30,625/-	10,000/-	20,625/-
3.	1/2012	Innaraj and others	620/2B	1.87	2,29,075/-	71,503/-	1,57,572/-
4.	2/2012	Bhavani	497/8	4.16	5,09,600/-	65,250/-	4,44,350/-
5.	3/2012	Munusami	622/1	21.53 Acre	3,67,500/-	1,30,646/-	2,36,854/-
6.	4/2012	Thilagavathi	622/10	2.14	2,62,150/-	33,801/-	2,28,349/-
7.	5/2012	Subramanian	528	3.80	4,65,500/-	1,97,971/-	267,529/-
8.	6/2012	Lakshmanan	492/11	1.24	1,51,900/-	19,694/-	1,32,206/-
9.	7/2012	Babyammal	497/5	1.04	1,27,400/-	16,034/-	1,11,366/-
10.	8/2012	Madhavan Chettiar	497/1	5.59	6,72,525/-	86,147/-	5,86,378/-
11.	9/2012	Ramasamy	497/2	1.84	2,25,400/-	29,680/-	1,95,720/-
12.	10/2012	Bhavani	621/1C	2.44	2,98,900/-	38,540/-	2,60,360/-
13.	11/2012	Pandurangan	1A1, 8/1, 9	2.19	2,57,250/-	33,137/-	2,24,113/-
14.	12/2012	Munusamy	620/2	8.36	10,24,100/-	4,97,456/-	5,26,644/-
15.	13/2012	Ranganathan	497/4	3.00	3,67,500/-	47,335/-	3,20,165/-
16.	14/2012	Gopal	497/4	1.39	1,70,275/-	21,382/-	1,48,893/-
17.	15/2012	Pillaiyar	22/1B, 622/1	21.53 Acre	3,67,500/-	1,07,677/-	2,59,823/-
18.	16/2012	Bala	502	1.82	2,22,950/-	45,600/-	1,77,350/-
19.	17/2012	Muniyammal	494/4	4.28	5,24,300/-	67,140/-	4,57,160/-
20.	18/2012	Santhi	500/3	2.32	2,90,325/-	37,197/-	2,53,128/-
21.	19/2012	Mahalakshmi	500/3	2.80	3,43,000/-	45,380/-	2,97,620/-
22.	20/2012	Unnamalai	513	1.72	2,10,700/-	57,732/-	1,52,968/-
23.	21/2012	Thilagavathi	622/1B	3.40	4,16,500/-	60,704/-	3,55,796/-

Sl .N O.	LAOP Nos.	Name of the Land owner	Survey No.	Extent - in cent	Decree Amt. Rs.	Amt. Already paid - Rs.	Net amt. To be paid - Rs.
24.	22/2012	Tharus Raja	502/2	1.90	2,32,750/-	30,300/-	2,02,450/-
25.	23/2012	Venkatapathi	621/8B	2.21	1,56,800/-	20,717/-	1,36,083/-
26.	24/2012	Tharus Raja	500/2	1.90	2,32,750/-	30,340/-	2,02,410/-
27.	25/2012	Mahalakshmi	500/1	2.80	3,43,000/-	45,380/-	2,97,620/-
28.	26/2012	Muniyammal	492/1	1.33	1,62,925/-	45,352/-	1,17,573/-
29.	27/2012	Unnamalai	317	1.75	2,10,700/-	57,732/-	1,52,968/-
30.	28/2012	Bala	502/1A	1.82	2,22,950/-	45,680/-	1,77,270/-
			TOTAL		93,28,375/-	20,66,614/-	72,61,741/-

2. Since the above amounts were not paid, the petitioner and 29 others have approached the 4th respondent viz. Tahsildar, Kalasapakkam, who recommended the 5th respondent to allot Rs.72,61,741/- out of Rs.93,28,375/- as Rs.20,66,634/- has already been paid. Though the recommendation of the 4th respondent was made as early as on 27.11.2015, no reply was received nor amount paid. Hence, again on 02.07.2016, the petitioner issued a legal notice to pay the compensation amount to all the persons. Since no amount was paid, the petitioner is before this Court by way of this writ petition.

3. Heard Mr.R.Margabandhu, learned counsel appearing for the petitioner and Mr.V.Jayaprakash Narayanan, learned Special Govt. Pleader appearing for the respondents.

4. Taking into consideration the fact that the land was acquired and the LAOP was filed in the year 2006 and the matter was settled in the Lok Adalat on 27.06.2014 and no amount was paid to the petitioner and 29 others, this Court directs the respondents to pay the compensation amount to the petitioner and 29 others, as per Lok Adalat award dated 27.06.2014, as shown in the tabular column, ***along with applicable interest from the date of acquisition of the land as per section 28 of the Land Acquisition Act**, on or before 30.11.2016, failing which the respondent shall appear before this Court on 01.12.2016.

5. With the above direction, this writ petition is disposed of. No costs.

6. Post the matter for compliance on 01.12.2016

rgr

Sd/-
Asst.Registrar
dt.5.8.16

***Modified as per order of this Court
dt.18.10.16 in WP.27406/16 in WP.25467/16
sd/-
Assistant Registrar
dt.26.10.16**

/true copy/

Sub Asst. Registrar

To

1. The Secretary to Government (PWD)
Secretariat, Chennai.

***To be substituted to the
order already despatched
on 5.8.16**

2.The District Collector,
Collectorate, Tiruvannamalai,
Tiruvannamalai District.

3.The District Revenue Officer,
Collectorate, Tiruvannamalai,
Tiruvannamalai District.

4.The Tahsildar,
Kalasapakkam,
Tiruvannamalai District.

5.The Executive Engineer (WRO),
Middle Pennaiaru Division,
Tiruvannamalai,
Tiruvannamalai District.

6. The Section Officer, Writ Section (Posting),
High Court, Madras.

+ 1 cc to Mr.R.Margabandhu, Advocate Sr 42113

+ 1 cc to The Govt.Pleader, Sr 41959

***+1 cc to M/s.R.Margabandhu, advocate,sr.59814 (1/11)**

KR/5/8/16

krd 1/11

W.P. No.25467 of 2016