

IN THE HIGH COURT OF JUDICATUARE AT MADRAS

DATED: 12-08-2016

CORAM

THE HONOURABLE **MR.JUSTICE N.KIRUBAKARAN**

W.P.No.26130 of 2016 and
WMP No.22392 of 2016

Sri Srinivasamurthy Mandiram
Rep.by its Executive Trustee,
Mr.D.Srinivasan,
Old No.1, New No.56,
Ellaianman Koil Street,
West Mambalam,
Chennai – 600 033.

... Petitioner

Vs.

1.The State of Tamil Nadu
Rep.by its Secretary to Government
Housing & Urban Development Department,
Fort St.George, Chennai – 600 009.

2.The Tahsildar,
Mambalam – Guidy Taluk,
Ashok Nagar,
Chennai.

3.The Chairman,
Slum Clearance Board,
Kamarajar Salai,
Chennai – 600 005.

4.The Collector of Chennai,
Chennai District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to disburse the amount of Rs.75,00,000/- with interest at the rate of 12% from March 2011 till

payment and the exemplary cost of Rs.1,00,000/- to be paid as directed by the Hon'ble Division Bench in its order dated 04.07.2013 made in W.A.No.880 of 2009.

For Petitioner : Mr.N.R.Chandran,
Senior Counsel for
M/s.R.Kannan

For Respondents : Mr.P.V.Selvakumar
for R1, R2 & R4

Mr.C.Manishankar,
Addl. Advocate General
Asst.by Mr.B.Kesavan for R3.

ORDER

The petitioner trust owns land in four blocks measuring to a total extent of 49 grounds and 1246 sq.ft. On 01.10.1978, the third respondent slum clearance board entered into the aforesaid property pending acquisition. Thereafter, on 22.04.1981, slum clearance board issued notification in respect of Block No.18 alone and no notification was issued for other blocks namely 19 and 20. Therefore, the trust filed WP No.4902 of 1982 seeking compensation and the said writ petition was allowed on 01.09.1983 and Writ Appeal No.798 of 1983 was preferred against the said order. An interim direction was given on 28.03.1984 to pay a sum of Rs.4,20,000/- pending writ appeal. On 08.02.1989, the Division Bench of this Court directed the respondents to pay the compensation to the petitioner herein under the Land Acquisition Act. On 28.07.1993, Section 4 (1) notification under the Land Acquisition Act was passed

for the lands comprised in TS No.39 of Block No.18, TS No.40 of Block No.20 and TS No.50 of Block No.19 of Mambalam Village to an extent of about 49 grounds and 1246 sq.ft.

2. Though the order under Section 5 (A) (2) of the Land Acquisition Act was passed on 03.08.1994 and Section 6 notification was issued on 16.08.1994, no award was passed. A representation was made by the petitioner on 20.08.2004 requesting to pass an award. Since no order was passed, the petitioner filed WP No.36603 of 2004 and obtained an order in that regard on 10.12.2004. Again no order was passed and hence the petitioner was compelled to file another writ petition in WP No.22724 of 2008 seeking a direction to the Collector to take effective steps to pay the compensation as per the order of this Court in WA No.788 of 1983 and WP No.36603 of 2004, alongwith interest as well as solatium. The said writ petition was disposed of on 30.04.2009 with a direction to the first respondent to ensure that competent authority determines the amount of compensation under the Tamil Nadu Slum Areas (Improvement and Clearance) Act. The said order was challenged in W.A.No.880 of 2009 and the Division Bench of this Court, on 04.08.2013 directed the respondents to pay a sum of Rs.75,00,000/- alongwith interest @ 12% from March 2011 till payment alongwith Rs.1,00,000/- as costs.

3. Even though the Division Bench directed the respondents to pay the said amount as early as on 04.07.2013, nothing was done by the respondents which compelled the petitioner to once again approach this court by way of this writ petition.

4. Heard Mr.N.R.Chandran, learned Senior Counsel appearing for the petitioner, Mr.P.V.Selvakumar, learned counsel appearing for the first, second and fourth respondents and Mr.C.Manishankar, learned Additional Advocate General appearing for the third respondent.

5. Learned Additional Advocate General fairly submitted that the matter requires to be settled as there is a direction by this court on earlier occasions. In this regard, after much instructions, he has filed a tabular column giving the details of the amount payable to the petitioner and the same is incorporated herein.

<i>Srl.No.</i>	<i>Description</i>	<i>Amount</i>
1	Land value (As per 1.03.2011)	Rs.75,00,000.00
2	Land value amount already paid	Rs. 4,20,000.00
3	Damages awarded by Hon'ble Court	Rs. 1,00,000.00
4	Interest on the land value @ 12% from 01.03.2011 to till date (65 months)	Rs.46,67,000.00
	Total	Rs.1,18,47,000.00

6. It is submitted by the learned Additional Advocate General that a

sum of Rs.1,18,47,000/- is payable by the Government to the petitioner for which the learned Senior Counsel appearing for the petitioner also agreed to receive and hence, the matter is settled.

7. In view of the above, the respondent, especially the third respondent is directed to pay the above said amount of Rs.1,18,47,000/- to the petitioner, on or before 26.09.2016, failing which the third respondent shall appear before this Court on 27.09.2016.

8. With the above observations, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Post the matter for compliance on 27.09.2016.

12.08.2016

rgr
Index : Yes/No

N.KIRUBAKARAN, J.

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To

1.The Secretary to Government
Housing & Urban Development Department,
Fort St.George, Chennai – 600 009.

2.The Tahsildar,
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