

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2016

CORAM:

THE HON'BLE MR.JUSTICE S.MANIKUMAR

AND

THE HON'BLE MR.JUSTICE N.AUTHINATHAN

Writ Appeal No.1346 of 2016

1.T.Kempaiah

2.S.K.Vinodamma

.... Appellants

vs.

1.The Sub-Collector Office
Hosur Taluk
Krisnakiri District

2.The Tahsildar
Office of the Hosur Taluk
Krisnakiri District

3.Tamil Nadu Housing Board
Office of the Hosur Taluk
Krisnakiri District

4.Tamil Nadu Housing Board
Nandanam
Anna Salai
Chennai - 35

..... Respondents

Writ Appeal under clause 15 of the Letters Patent against the order passed in W.P.No.24749 of 2016 dated 30.08.2016.

WP.No.24749 of 2016:Writ petition filed under Article 226 of the constitution of India praying for issue of a Writ of Mandamus Directing the 1st and 2nd respondents to consider and dispose off the representation of the petitioner dated 22.02.2016 in accordance with the Section 24(2) of the (Central Act No.30/2013) or in the light of the Communication of the 1st respondent dated 18.10.1989.

For Petitioner : Mr.M.Raja Sekhar

For Respondents : Mr.K.V.Dhanapalan
Special Government Pleader

JUDGMENT
(delivered by S.MANIKUMAR, J)

Challenge in this appeal is to an order made in W.P.No.24749 of 2016 dated 30.08.2016, by which, the writ court, while declining to issue a Writ of Mandamus, directing the respondents 1 and 2, to consider and dispose of the representation of the appellant dated 22.02.2016, in accordance with Section 24(2) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) or in the light of the communication of the first respondent dated 18.10.1989, held that the appellants are entitled to the award amount kept as revenue deposit in Sub-Treasury, Hosur. The writ court, further directed the respondents 1 and 2, to pay the award amount, to the appellants, as per the communication dated 15.11.2003, within a period of eight weeks from the date of receipt of a copy of the order made in the writ petition.

2. Being aggrieved by the same, instant appeal has been filed.

3. Though the order made by the writ court is impugned on various grounds, when the matter came up for hearing, Mr.M.Raja Sekhar, learned counsel for the appellants, submitted that lands have been acquired on 01.04.2003 and since then, the award amount has not been paid to the land owners or deposited in the civil court. He further submitted that the appellants would be satisfied, if the respondents 1 and 2, are directed to pay the award amount, with statutory interest, as per Section 34 of the Land Acquisition Act, 1894.

4. While placing on record the submission of Mr.M.Raja Sekhar, learned counsel for the appellants, we directed Mr.K.V.Dhanapalan, learned Special Government Pleader, to get instructions, as to whether the award amount has been deposited in civil court or not. Reverting, he submitted that the award amount, payable to the appellants, was in the revenue deposit for five years and it lapsed thereafter. According to him, the entire award amount, is now with SIPCOT, Hosur.

5. Though, at this juncture, we are not inclined to advert to the correctness or otherwise of the revenue deposit, considering the fact that the land owners/appellants, have not been paid the compensation nor there was a deposit in the civil court, in the interest of justice and having regard to the value of money, we are of the considered view that had the award amount been deposited in the civil court, certainly that would have fetched interest and mitigated the grievance of the land

owners/appellants. It is also to be noted that, even after the lapse of revenue deposits, SIPCOT, Hosur, had retained the award amount with them, which they are not supposed to do so.

6. Having regard to the facts and circumstances of the case, we direct the Sub-Collector, Krishnagiri District, Tahsildar, Hosur Taluk, Krishnagiri District (respondents 1 and 2), to pay the award amount determined for the lands measuring 0.3 cents in S.No.672/1, Kosappa Village, Hosur Taluk, Krishnagiri District, with interest, as per Section 34 of the Land Acquisition Act, 1894, within a period of four weeks from the date of receipt of a copy of this order. However, there shall be no order as to cost. Registry is directed to issue order copy by next week.

Writ petition is disposed of with the above direction. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

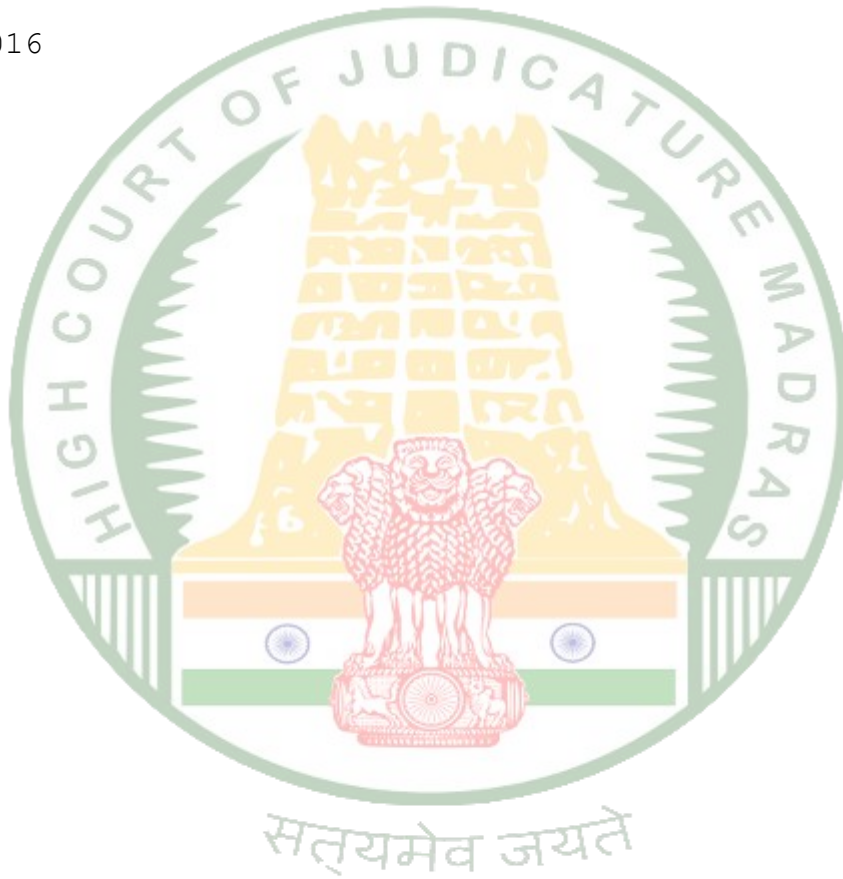
Asr
To

- 1.The Sub-Collector Office
Hosur Taluk
Krisnakiri District
- 2.The Tahsildar
Office of the Hosur Taluk
Krisnakiri District
- 3.The Tamil Nadu Housing Board
Office of the Hosur Taluk
Krisnakiri District
- 4.The Tamil Nadu Housing Board
Nandanam
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+1 cc to the Government Pleader sr 64924
+1 cc to Mr.M.Raja sekhar Advocate sr 64663

W.A.No.1346 of 2016

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