

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.NO.7920 OF 2016

B.Ambikapathi

... Petitioner

Versus

1. The Principal Secretary to Government
Adi Dravidar Tribal Welfare Department
Fort St. George,
Chennai - 600 009.

2. The Director
Adi Dravidar Tribal Welfare Department
Chennai - 600 005.

3. The District Collector
Tiruppur District.

.... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, to direct the 1st respondent to forthwith pass orders on the letter of the second respondent by proceedings in Na.Ka.No.A4/32626/2014 dated 13.03.2015 by considering the petitioner's representation dated 05.01.2016 in accordance with law.

For Petitioner : Mr.P.Saravana Sowmiyan

For Respondents : Mr.R.M.Muthukumar
Additional Government Pleader

O R D E R

Heard Mr.P.Saravana Sowmiyan, learned counsel for the petitioner and Mr.R.M.Muthukumar, learned Additional Government Pleader, who accepts notice for the respondents.

2.This writ petition has been filed by the petitioner seeking for a Mandamus, to direct the first respondent to forthwith pass orders on the letter of the second respondent by proceedings in Na.Ka.No.A4/32626/2014 dated 13.03.2015 by considering his representation dated 05.01.2016, in accordance with law.

3.When the matter came up for hearing on 03.03.2016, after taking into consideration of the facts, this Court passed the following order:-

"Mr.R.M.Muthukumar, learned Additional Government Pleader accepts notice for the respondents.

2.It is an unfortunate case that inspite of the legal proceedings which were initiated by the respondents against the compensation which was fixed for acquiring the petitioner's lands, has attained finality, till date, the compensation has not been disbursed to the petitioner.

3.It is stated that recommendation has been made by the second respondent stating that already a sum of Rs.13,78,176/- has been kept in deposit and the remaining amount of Rs.35,93,952/- may be approved for payment of compensation. However, this recommendation has been put in a cold storage by the first respondent and till date, no action has been initiated. It is further stated that the legal proceedings which were initiated by the respondents against the award of enhanced compensation in S.A.No.1829 of 2001, has been dismissed by this Court on 25.07.2013, yet, the compensation amount has not been paid.

4.The learned Additional Government Pleader submitted that appropriate direction may be issued and the matter be kept pending for compliance of the direction.

5.In the light of the above facts, if the respondents have not preferred any appeal before the Hon'ble Supreme Court against the dismissal of Second Appeal in S.A.No.1829 of 2001, dated 25.07.2013, they are bound to pay

the compensation as determined. Therefore, there will be a direction to the respondents to disburse the compensation amount to the petitioner as determined by the Court and report compliance of payment on 29.03.2016.

List the matter on 29.03.2016."

4. In compliance of the directions issued by this Court in the above referred order, an affidavit dated 01.04.2016 has been filed by the District Collector, Tiruppur. Though the wordings in the affidavit are not very clear, but all that the District Collector requires is extension of time by three months, as they require some more time to obtain Government Order, for which proposal is under the consideration of the Government by letter dated 24.03.2016.

5. Thus, it is clear that the proposal itself has been sent only after the order has been passed by this Court referred supra. This Court is inclined to consider the request made by the District Collector, making it clear that if there is any wilful disobedience of the directions issued by this Court within the time frame, which is being fixed, it may amount to contempt of Court and the District Collector and all other persons who are responsible for the delay would be liable for being punished.

6. Recording the undertaking given by the District Collector, Tiruppur, the writ petition is disposed of, by directing the respondents to settle the compensation amount to the petitioner, on or before 16.08.2016. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

TK

To

1. The Principal Secretary to Government
Adi Dravidar Tribal Welfare Department
Fort St. George,
Chennai - 600 009.

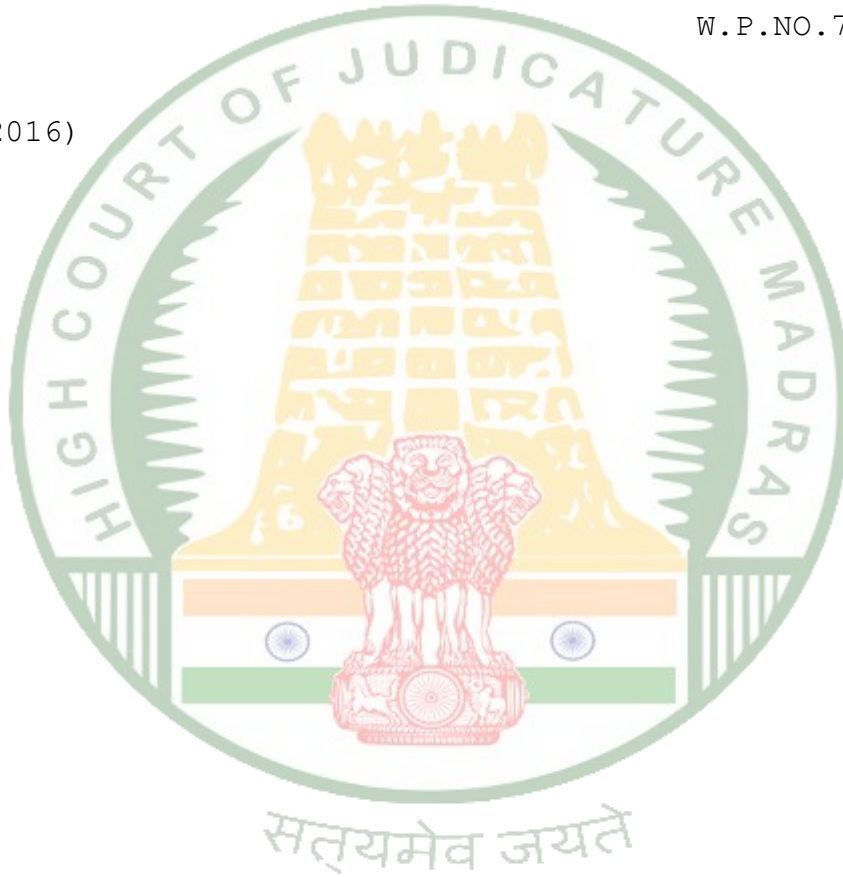
2. The Director
Adi Dravidar Tribal Welfare Department
Chennai - 600 005.

3. The District Collector
Tiruppur District.

+1cc to Mr.P.Saravana Sowmiyan, Advocate, S.R.No.22722
+1cc to the Government Pleader, S.R.No.22761

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NR(CO)
CA(25/04/2016)



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