

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2017

CORAM :

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.740 of 2017

Muthan Poojari

...

Petitioner

vs.

1. The District Collector
Dharmapuri District,
Dharmapuri - 636 705.

2. The Executive Officer
Tamil Nadu Housing Board,
Bagalur Road,
Hosur, Krishnagiri District.

3. The Special Tahsildar
Land Acquisition Officer,
TamilNadu Housing Board,
Krishnagiri District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus, directing the respondents to consider the petitioner's last representation, dated 17.06.2016 and direct the respondents to deposit Award amount with interest till date in L.A.O.P.No.26 of 1992 before the Sub-Court, Dharmapuri, so as to enable the petitioner to receive the compensation.

For petitioner : Mr.V.R.Annagandhi

For respondents : Mr.R.Govindasamy, Spl.G.P for R1

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ORDER

This writ petition has been filed seeking a peculiar prayer to issue a writ of mandamus, directing the respondents to consider the petitioner's latest representation, dated 17.06.2016 directing the respondents to deposit the Award amount with interest till date in L.A.O.P.No.26 of 1992 before the Sub-Court, Dharmapuri, so as to enable the petitioner to receive the compensation.

2. Learned counsel appearing for the petitioner would submit that the lands measuring about 0.16.5 hectares in S.F.No.383/2 was acquired by the respondents 2 and 3 for the purpose of Sub Urban Project to linkage road of Virupatchipuram Village Urban Scheme in Dharmapuri District. After the issuance of 4(1) Notification, dated 16.11.1988, the same was also published in the Tamil Nadu Government Gazette. Thereafter, the second respondent has fixed the compensation as Rs.18,832/- per hectare and passed Award on 12.11.1990.

3. Subsequently on the request, the matter referred under Section 18 of the Land Acquisition Act and L.A.O.P.No.26 of 1992 was also disposed of by order, dated 29.08.1996 enhancing the compensation value to Rs.88,846/- and other statutory benefits. Although three months time was granted to deposit the compensation amount by the respondents, no appeal has been filed. The third respondent deposited a sum of Rs.2,08,069/- out of Rs.2,56,974/- on 26.05.1998 including the statutory benefits. Thereafter, the petitioner also filed E.P.No.154 of 2002 in L.A.O.P.No.26 of 1992 for realisation of the decretal amount.

4. The learned Judge has also passed order of attachment of warrant against the respondents in the above E.P. Proceedings and till date warrant is pending. But no action is taken for realisation of the Award Amount. The petitioner also made a several representation to the respondents and the last such representation is dated 17.06.2016. Since no action has been taken on the said representation, the petitioner has been advised to come to this Court.

5. But this Court is not able to entertain the writ petition. The reason is that when the petitioner has already filed E.P.No.154 of 2002 to execute the Judgment and Decree passed in L.A.O.P.No.26 of 1992 and consequently the learned Judge also passed an order of attachment of warrant against the respondents in the EP, it is for the petitioner to work out his remedy in the manner known to law. Therefore, the writ petition seeking writ of mandamus directing to consider the representation of the petitioner, dated 17.06.2016 to direct the respondents to deposit the Award amount cannot be entertained. Moreover, when the Execution Proceedings are still pending with the order of attachment of warrant against the respondents, this Court cannot entertain the writ petition and accordingly, the same is liable to be dismissed.

In view of the above, this writ petition is dismissed. No costs.

sd/
Assistant Registrar(CS III)

/true copy/

Sub Assistant Registrar

tsvn

To

1. The District Collector
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Dharmapuri - 636 705.
2. The Executive Officer
Tamil Nadu Housing Board,
Bagalur Road,
Hosur, Krishnagiri District.
3. The Special Tahsildar
Tamil Nadu Housing Board,
Hosur,
Krishnagiri District.

+lcc to Mr.V.R.Annagandhi, Advocate, SR.No.2835
+lcc to the Government Pleader SR.No.2630

सत्यमेव जयते

W.P.No.740 of 2017

SV(CO)
GN(31/01/2017)

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