

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2017

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.No.6926 of 2017

A.Arumugam

... Petitioner

v.

1. The Controller,
Satish Dhawan Space Centre,
SHAR, Sriharikota-524 124.

2. The Head,
Personal and General Administration - II,
Satish Dhawan Space Centre,
SHAR, Sriharikota - 524 124.

3. The Chairman / District Judge
District Legal Services Authority,
District Court, Thiruvallur.

4. The Revenue Divisional Officer
Taluk Office Road,
Ponneri - 601 204.

.... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent herein to accord sanction and deposit a sum of Rs.80,700/- to the credit of L.A.C.No.16 of 2002 on the file of District Court, Tiruvallur (Lok Adalat) in respect of the Petitioner's land measuring 1.06 acres and 1.63 acres in Survey Nos.605/1A and 605/1B in all 2.69 acres in Karimanal Village, Ponneri Taluk, Tiruvallur.

For Petitioner : Mr.M.S.Subramanian

For Respondents : No appearance (For RR 1 & 2)

Mrs.M.E.Raniselvam
Additional Government Pleader for R4

O R D E R

Heard the learned counsel for the petitioner.

2. Despite notice having been served on the respondents and their names have also been printed in the cause list, none appear for them.

3. The petitioner's lands have been acquired in Award No.2 of 1985 dated 04.03.1985. As the compensation amount was not paid in respect of 2.69 acres in Survey No.605/1A and 605/1B in Karimanal Village, Ponneri Taluk, a writ petition was filed earlier in W.P.No.8253 of 2012 before this Court, in which the following order was passed on 12.02.2013.

"3. At this stage of the hearing of the writ petition, a counter affidavit, dated 10.10.2012, had been filed before this Court, on behalf of the first respondent. In the said counter affidavit, it has been stated as follows:

"Now as a Land Acquisition Officer doing the residual work of SHAR project I have accepted to sanction in respect of petitioners land measuring 1.06 Acres and 1.63 Acres in Survey No.605/1A and 605/1B respectively in all measuring 2.69 Acres in Karimanal Village, Ponneri Taluk and also stated that if any orders will be passed by Hon'ble High Court for inclusion or for sending a separate reference to Lokadalath under Section 18 of Land Acquisition Act."

4. In view of the averments made in the counter affidavit filed on behalf of the first respondent, the first respondent is directed to grant the necessary sanction for the payment of compensation to the petitioner, in respect of 2.69 acres of land, in Survey No.605/1A and 605/1B, in Karimanal Village, Ponneri Taluk, within a period of two weeks from the date of receipt of a copy of this order. On the granting of such sanction, the first respondent shall forward the relevant papers, along with the order of sanction, to the second respondent, for processing the same and for forwarding the relevant papers to the Tamil Nadu Legal Services Authority, on or before 31.3.2013, for placing the matter before the Lok Adalat, in L.A.C.No.16 of 2002, for the passing of an appropriate decree.

4. Thereafter, the fourth respondent has sent a communication to respondents 1 and 2 in and by the communication dated 07.03.2013 to pay a sum of Rs.80,700/- on the file of Lok Adalath, District Court, Thiruvallur. However, despite the same, nothing has transpired and hence, the present writ petition.

5. Prior to the filing of the writ petition, the petitioner has filed a contempt petition in Contempt Petition No.306 of 2016, which was closed on 06.04.2016 recording the proceedings of the respondent therein dated 09.03.2016. Thereafter, the petitioner made another representation on 01.05.2016 to respondents 1 and 2 and the same is pending consideration.

6. The amount mentioned above has been fixed in pursuant to the earlier settlement made in L.A.C.No.16 of 2002 before the Lok Adalath as early as on 14.06.2002. The following are the terms of settlement.

"3.That the amount should be deposited by the respondents within 21 days/ months from the date of this award and in default the amount shall carry interest at 15% per annum.

4.That the amount should be deposited by Demand Draft in favour of the Chairman/Principal District Judge, District Legal Services Authority, Tiruvallur.

5.That a detailed list of accounts should be submitted to the District Legal Services Authority, Tiruvallur.

6.The Fee for the learned Senior Counsel for SHAR is fixed at Rs.2000/- per case as per the order dated 18.06.2007 of Government of India, Law and Justice, Chennai.

We have agreed on the Settlement terms willingly before the Lok Adalath held on 13.06.2007 at Tiruvallur, no coercion or force applied to arrive at this settlement. This case may be disposed of as settled accordingly and an award passed in terms of the compromise."

7. Thus, having agreed to settle for a sum of Rs.300/- per cent in all as a flat sum towards the market value, solatium, additional amount and interest all put together, in respect of the petitioner's land in Karimanal Village, Ponneri Taluk, respondents 1 and 2 have not complied with the order passed by the District Legal Services Authority, Thiruvallure. The said order dated 13.06.2007 has become final. Only in pursuant to the said order alone, the letter dated 09.03.2013 has been sent by the fourth respondent viz., the Revenue Divisional Officer, Ponneri, to respondents 1 and 3. In such view of the matter, the writ petition stands disposed of directing respondents 1 and

2 to make necessary payment to the petitioner as per the agreed terms between the parties within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

raa

To

1. The Controller
Satish Dhawan Space Centre,
SHAR, Sriharikota-524 124.
2. The Head
Personal and General Administration - II,
Satish Dhawan Space Centre,
SHAR, Sriharikota - 524 124.
3. The Chairman / District Judge
District Legal Services Authority,
District Court, Thiruvallur.
4. The Revenue Divisional Officer
Taluk Office Road,
Ponneri - 601 204.

+2 ccs to Mr.M.S.Subramanian Advocate sr 42015
+1 cc to the Government Pleader sr 42054

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