

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.2300 of 2017

Munusamy

.. Petitioner

Versus

1. The District Collector,
Dharmapuri District,
Dharmapuri 636705.
 2. The Executive Officer,
Tamil Nadu Housing Board,
Bagalur Road, Hosur,
Krishnagiri District.
 3. The Special Tahsildar/ Land Acquisition Officer,
Tamil Nadu Housing Board, Hosur,
Krishnagiri District.
- .. Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of mandamus, directing the respondents to consider the petitioner's last representation dated 03.10.2016 and direct the respondents to deposit award amount with interest till date in LAOP No.35 of 1996 before the Sub Court, Dharmapuri, so as to enable the petitioner to receive the compensation.

For Petitioner : Mr.M.Muthappan
for M/s.V.R.Annagandhi

For Respondents : Mr.R.Govindasamy, Spl.G.P.

O R D E R

The petitioner has filed this Writ Petition praying to direct the respondents to consider the petitioner's last representation dated 03.10.2016 and direct the respondents to deposit the award amount with interest till date in LAOP No.35 of 1996 before the Sub Court, Dharmapuri, so as to enable the petitioner to receive the compensation.

2. The learned counsel for the petitioner has submitted that pursuant to the award passed in LAOP No.35 of 1996, fixing the compensation amount to Rs.6/- per sq.ft., the respondents filed appeal before this Court in A.S.No.663 of 1999 and this Court, fixed the compensation at Rs.4.50 per sq.ft. instead of Rs.6/- and other benefits including interest. It is stated that the respondents had deposited a sum of Rs.5,77,913/- out of Rs.6,63,430/- on 19.01.1999 and the balance amount has not been deposited till date. Therefore, the petitioner filed Execution Petition in E.P.No.64 of 2012 for recovery of the balance amount and the same is pending.

3. It is seen that before the Executing Court, the batta had not been paid and hence, attach warrant was returned as Police was not available and re-attachment was ordered, which also returned. Hence, it is to be noted that the Executing Court though has ordered attachment, but till date, the attachment has not been effected. The petitioner had been driven from pillar to post for the past 15 years without enjoying the decree passed by the Court. Hence, the petitioner has filed the present Writ Petition.

4. The petitioner has filed the Execution Petition E.P.No.64 of 2012 in LAOP No.35 of 1996 for payment of the balance compensation amount. The Court cannot entertain the Writ Petition granting relief as prayed for by the petitioner in view of the above facts. However, taking into consideration the fact that the petitioner has been suffering for more than 15 years without enjoying the fruits of the decree passed by the Court in the LAOP Proceedings, it is unfortunate that the authority had not complied with the order passed by the Executing Court and deposit the entire amount. As the Writ Petition is not maintainable, this Court is only directing the executing court to dispose of the Execution Petition in E.P.No.64 of 2012, on the file of the Sub Court, Dharmapuri, as expeditiously as possible.

5. With the above observations and direction, the Writ Petition is dismissed. No costs.

pvs

Sd/-
Assistant Registrar
/TRUE COPY/

Sub-Assistant Registrar

To

1. The District Collector,
Dharmapuri District,
Dharmapuri 636705.

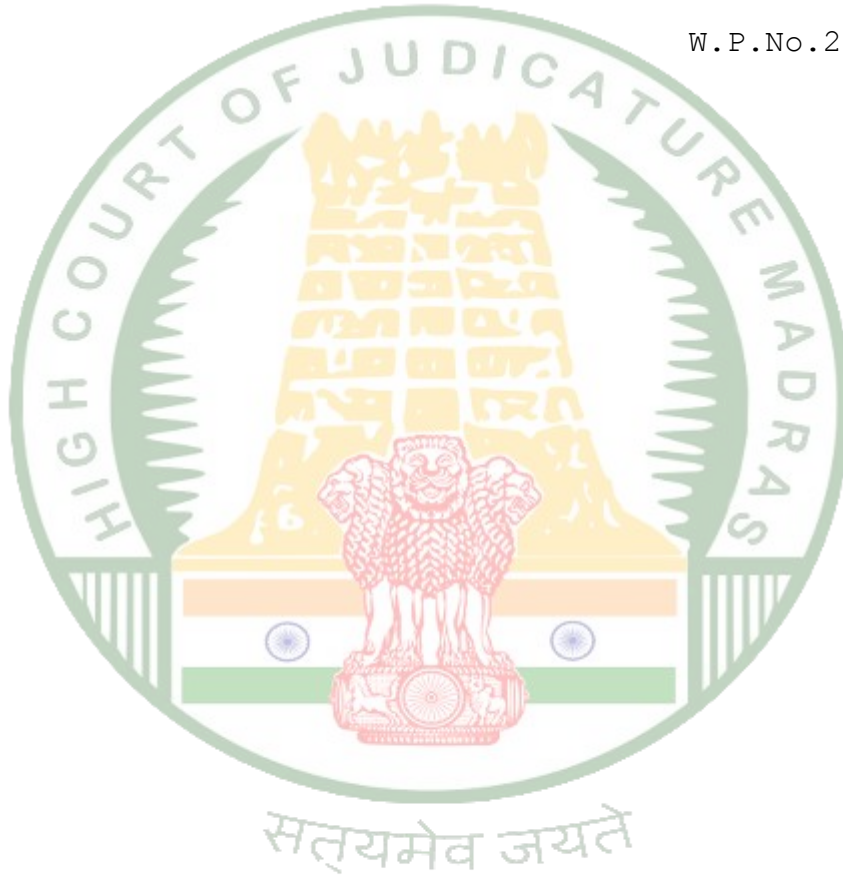
2. The Executive Officer,
Tamil Nadu Housing Board,
Bagalur Road, Hosur,
Krishnagiri District.

3. The Special Tahsildar/ Land Acquisition Officer,
Tamil Nadu Housing Board, Hosur,
Krishnagiri District.

+1 CC to Mr.V.R.Annagandhi Advocate SR.NO.6013
+1 CC to Special Government Pleader SR.NO.6231

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TM[CO]
MK:08/03/2017



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