

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2017

CORAM

The HONOURABLE MR. JUSTICE M.DURAISWAMY

W.P.No.25385 of 2017

Kanchana

... Petitioner

Vs

- 1.The Secretary to Government,
Adi Dravidar and Scheduled Tribe
Welfare Department, Secretariat,
Chennai - 600 009.
- 2.The Director,
Adi Dravidar Welfare Directorate,
Chennai- 600 005.
- 3.The District Collector,
Dharmapuri.
- 4.The District Adi Dravidar Welfare Officer,
Collectorate, Dharmapuri.
- 5.The Special Tahsildar (Adi Dravidar Welfare),
Land Acquisition, Dharmapuri. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondents to pay the compensation as per the common judgment and decree dated 09.02.2009 of this Court made in A.S.No.929 & 931 of 2003 to the credit of the L.A.O.P.Nos.2 & 4 of 2000 on the file of the Subordinate Court, Dharmapuri based on the petitioner's representation dated 19.01.2017 within a time frame.

For Petitioner : Mr.P.S.Kothandaraman

For Respondents : Mr.S.Diwakar, Special
Government Pleader

O R D E R

Mr.S.Diwakar, learned Special Government Pleader takes notice for the respondents. By consent, the main Writ Petition is taken up for disposal at the admission stage itself.

2.It is brought to the notice of this Court that pursuant to the decree passed in A.S.Nos.929 & 931 of 2003 by this Court, the petitioner filed Execution Petitions for executing the award passed in A.S.Nos.929 & 931 of 2003 in E.P.Nos.66 & 68 of 2012 on the file of the Subordinate Court, Dharmapuri and the Executing Court has also ordered attachment.

3.Now, the petitioner has filed the Writ Petition under Article 226 of the Constitution to issue a writ of mandamus directing the respondents to pay the compensation as per the common judgment and decree dated 09.02.2009 of this Court made in A.S.No.929 & 931 of 2003 to the credit of the L.A.O.P.Nos.2 & 4 of 2000 on the file of the Subordinate Court, Dharmapuri based on the petitioner's representation dated 19.01.2017 within a time frame.

4.The remedy open to the petitioner is to file Execution Petitions and realize the award amount, which were rightly exercised by the petitioner by filing the Execution Petitions in E.P.Nos.66 & 68 of 2012. In these circumstances, the petitioner cannot file the Writ Petition for realizing the decree amount in A.S.Nos.929 & 931 of 2003. It is open to the petitioner to prosecute the Execution Petitions in accordance with law.

5.The Writ Petition is devoid of merits and the same is liable to be dismissed. Accordingly, the Writ Petition is dismissed. No costs.

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Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

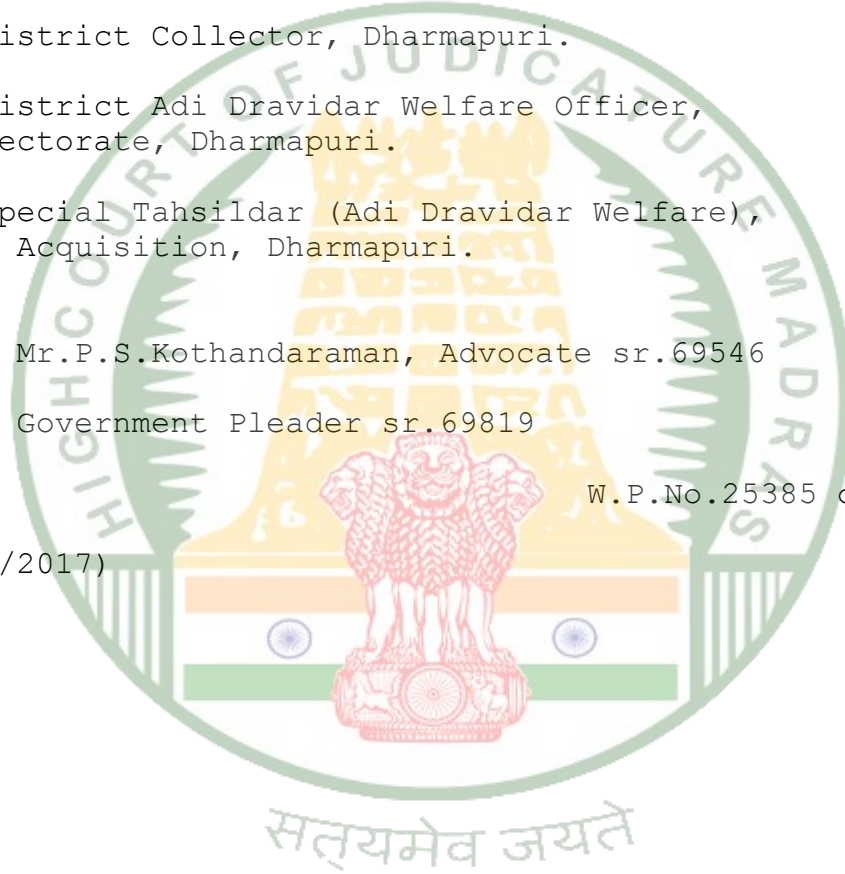
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+1cc to Mr.P.S.Kothandaraman, Advocate sr.69546

+1cc to Government Pleader sr.69819

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SS(4/10/2017)



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