

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2017

CORAM

THE HON'BLE Mr. JUSTICE M.DURAISWAMY

W.P.No.19759 of 2017

Abdul Rahaman

... Petitioner

Vs.

1. The District Collector, Krishnagiri.

2. The Project Officer,
SIPCOT, Bangalore Road, Hosur.

3. The Special Thasildar,
Land Acquisition Officer,
SIPCOT - 2, Hosur.

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus to direct the respondents herein to pay the compensation as awarded by the Subordinate Judge, Hosur in LAOP 106 of 1997 and further direct the respondents to pay compensation of Rs.10,00,000/- for the harassment caused mentally and physically.

For Petitioner : Mrs.Sripriya for Mr.V.Raghavachari

For Respondents : Mr.S.Diwakar
Special Government Pleader (R1 & R3)

O R D E R

Mr.S.Diwakar, learned Special Government Pleader takes notice for the respondents 1 & 3. By consent, the main Writ Petition is taken up for disposal at the admission stage itself.

2.The petitioner has filed the above writ petition to issue a writ of mandamus directing the respondents to pay compensation as awarded by the Subordinate Court, Hosur in L.A.O.P.No.106 of 1997 and further direct the respondents to pay compensation of Rs.10,00,000/- for the harassment caused, both mentally and physically.

3.The learned counsel appearing for the petitioner submitted that pursuant to the award passed in L.A.O.P.No.106 of 1997, the respondents filed an appeal before this Court in A.S.No.438 of 2008 and this Court, by judgment and decree dated 05.08.2010 dismissed the appeal. Further, the learned counsel submitted that as against the dismissal of the appeal, the respondents have not filed any appeal before the Hon'ble Supreme Court of India. Thereafter, pursuant to the award passed in L.A.O.P.No.106 of 1997, the petitioner filed an Execution Petition in R.E.P.No.28 of 2016 on the file of the Subordinate Court, Hosur, for recovery of a sum of Rs.16,05,626/-. The learned counsel submitted that so far the respondents have not paid any compensation to the petitioner and that the Executing Court has not passed any order for recovery of the same.

4.Mr.S.Diwakar, learned Special Government Pleader appearing for the respondents 1 & 3 submitted that since the petitioner had filed an Execution Petition before the Subordinate Court, Hosur, the remedy open to the petitioner is to prosecute the Execution Petition before the Executing Court.

5.The learned counsel appearing for the petitioner further submitted that it would be suffice to direct the Subordinate Judge, Hosur to dispose of the Execution Petition at an early date.

6.In view of the submissions made by the learned counsel on either side, taking into consideration that the award was passed in L.A.O.P.No.106 of 1997 as early as on 13.06.2007 and that the petitioner has not received any compensation so far, I direct the Subordinate Judge, Hosur to dispose of the Execution Petition in R.E.P.No.28 of 2016 in L.A.O.P.No.106 of 1997 on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

7.With these observations, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

va/ah

To

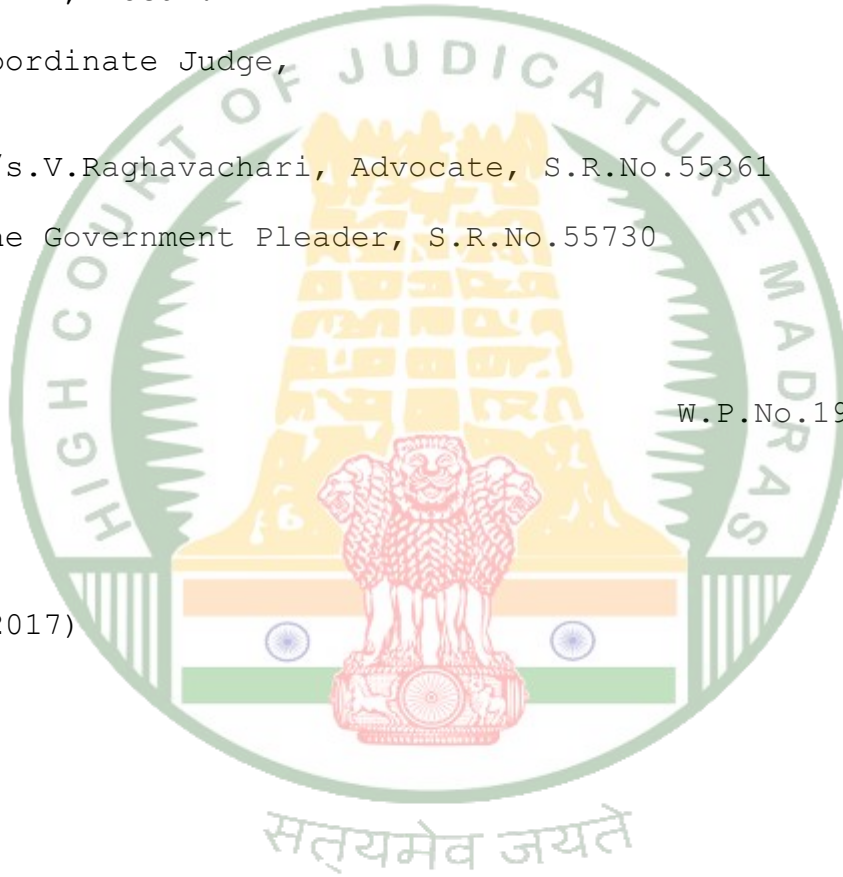
1. The District Collector,
Krishnagiri.
2. The Project Officer,
SIPCOT, Bangalore Road,
Hosur.
3. The Special Thasildar,
Land Acquisition Officer,
SIPCOT - 2, Hosur.
4. The Subordinate Judge,
Hosur.

+1cc to M/s.V.Raghavachari, Advocate, S.R.No.55361

+1cc to the Government Pleader, S.R.No.55730

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CP (CO)
CU (23/08/2017)



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