

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.02.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

Writ Petition No.1767 of 2012

and M.P.No.1 of 2012

S.CHOTTI DEVI

[PETITIONER]

Vs

THE SPECIAL TAHSILDAR
(LAND ACQUISITION)
TAMIL NADU URBAN LAND
DEVELOPMENT SCHEME-III
NO.15 M.G.NAGAR MAIN ROAD
POONAMALLEE CHENNAI-600 056.

[RESPONDENT]

Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of mandamus directing the respondent herein to disburse the compensation amount payable to the petitioner in respect of the lands comprised in Survey No.188/16 now reclassified as Survey No.188/32B Mount Poonamallee Road Chennai-600 116 Porur Village measuring an extent of 233 Sq.feet acquired by the respondent for the Tamil Nadu Urban Development Project III chennai Poonamallee pursuant to the award dated 05.02.2011 and made in Na.Ka.No.40/2008/A1.

For Petitioner : Mr.G.Nagarajan

For Respondent : MR.S.Gunasekaran, AGP

O R D E R

Mr.G.Nagarajan, learned counsel is present on behalf of the writ petitioner. Mr.S.Gunasekaran, learned Additional Government Pleader is present on behalf of respondent.

2. By consent of both counsel, main writ petition itself is taken up for disposal.

3.1 A small extent of land admeasuring 233 sq.ft. or thereabouts belonging to the writ petitioner was acquired by the sole respondent for Tamil Nadu Urban Development Project III, Poonamallee, Chennai. Such acquisition was made under the Tamil Nadu Highways Act 2000 (Tamil Nadu Act 34/2002).

3.2 It is not in dispute that an award dated 05.02.2011 has

also been passed. This award bears Reference Na.Ka.40/2008 A1 and was passed an Award No.3/11. It is also stated by the respondent that the entire award amount has already been deposited in Work Deposit in the Sub Treasury, Poonamallee on 30.12.2010.

3.3 It is submitted by the writ petitioner that she is satisfied with the award, she accepts the award and has not assailed it any further.

3.4 This writ petition is only with regard to disbursement of the amount/compensation payable to the writ petitioner vide the above said award.

4.1 The facts regarding acquisition and passing of the above said award are not in dispute.

4.2 The only reason for non disbursement, as set out in the counter affidavit by the sole respondent is that one Udhayagiri has submitted a representation dated 25.02.2010, wherein, he has enclosed a copy of a Judgment made in O.S.No.126 of 2005 on the file of the Sub Court, Poonamallee. A copy of Execution Petition in E.P.No.48 of 2009 (also on the file of Sub Court, Poonamallee) has also been enclosed, for executing and realising monies under the said Judgment and decree.

5. A perusal of the Execution Petition reveals that the third party Udhayagiri has obtained a money decree against the writ petitioner and two others, on the footing of a promissory note. The Execution Petition filed namely E.P.No.48 of 2009 is also pertaining to immovable property. Therefore, the compensation/amount under the award which has been deposited in Work Deposit with the Sub Treasury, Poonamallee, remains intact.

6. Owing to all that have been stated supra, this Court, does not find any impediment for the respondents to disburse the compensation amount payable to the writ petitioner under the above said award.

7. With regard to the Civil Court decree and the Execution Petition, it is a matter between the third party Udhayagiri, writ petitioner and the other two parties to the suit. That will not preclude or stand in the way of the respondents in disbursing the compensation amount to the writ petitioner.

8. Therefore, the sole respondent herein is directed to disburse to the writ petitioner, the compensation payable to her under Award No.3/11 dated 15.02.2011, which is now said to be lying in Work Deposit in Sub Court, Poonamallee (deposit made on 30.12.2010), within eight weeks from the date of receipt of a copy of this order. It is made clear that the usual procedure that is followed by the respondent for disbursement of award in terms of verification of documents pertaining to the land that was acquired shall be done and this order shall not stand in the way of this regular exercise being done.

9. Main writ petition is disposed of on the above terms. No costs. In view of the order passed in the main writ petition, the miscellaneous petition is closed as unnecessary.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

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To

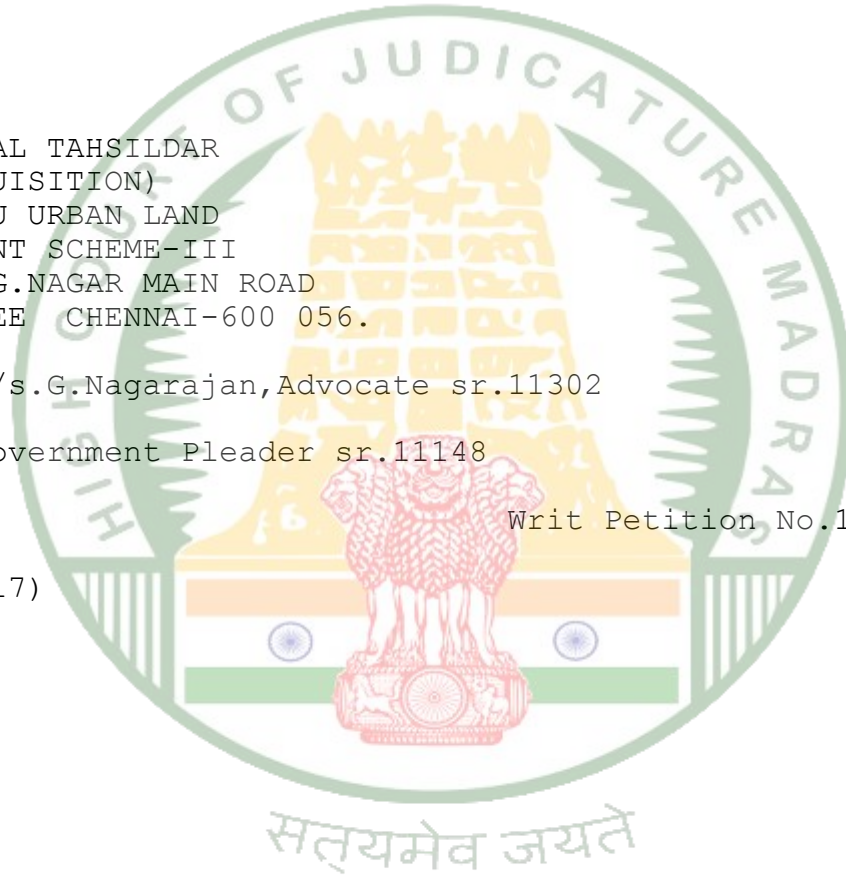
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+1CC TO M/s.G.Nagarajan,Advocate sr.11302

+1cc to Government Pleader sr.11148

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