

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH.

W.P.No.37816 of 2016

V.Saraswathiammal

...Petitioner

Vs.

1. The Land Acquisition Officer,
and Special Tahsildhar,
(Land Acquisition)
Housing Development Scheme No.1,
Coimbatore - 641 018.
2. The Executive Engineer,
Tamil Nadu Housing Board,
Tatabad,
Coimbatore - 641 012.
3. The Secretary,
Housing and Urban Development,
Government of Tamil Nadu,
Fort St. George,
Chennai.
4. The Chairman-cum-Managing Director,
Tamil Nadu Housing Board,
No.493, Annasalai, Nandanam,
Chennai 600 035.

...Respondents

(R3 and R4 are suo-motu impleaded
as per order dated 10.11.2016 by NKKJ
in W.P.No.37816 of 2016.)

Prayer: Writ petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to deposit a sum of Rs.45,42,209/- based on the order passed in E.P.No.286 of 2014, dated 02.06.2016 on the file of the II Additional Subordinate Court, Coimbatore and based on the representation of the petitioner dated 19.09.2016 forthwith.

For Petitioner : Mr.C.Prabakaran
For Respondents : Mr.S.Diwakar, Spl.GP for RR1 and 3
Mr.Viveka vanan for RR2 and 4

ORDER

The petitioner, who was acquired the land has come forward with the present writ petition seeking compensation under the law as determined by this Court.

2. In the counter affidavit filed by the respondents 4, who has filed it on behalf of the respondents 2 to 4, it is stated in para 18, which reads as follows:-

"18. I further submit that in this instance, as the Allottees Welfare Association represented that, the compensation amount for Land Acquisition be paid as per the Supreme Court verdict in CA 1760-1761 of 2004, dated 30.09.2010 and not as per G.O.Ms.No.70, dated 30.01.2003 above said Association also alleged that, a sum of Rs.2,750/- crores have been misappropriated while calculating the enhanced compensation.

I Based on their representation a detailed report to Commissioner of Land Administration, Chennai was sent, seeking guidance on whether the interest has to be calculated on the Solatium and Additional market Value from the date of taking over possession of the land as per G.O.ms.No.70, dated 30.01.2003 as ordered by Supreme Court in Gurpreet Singh case dtd 30.09.2010 that it should be paid from 19.09.2001(The date of judgment delivered in Sundar Case) in which Section 28 was made applicable to Solatium and Additional Market Value and the High Court of Madras judgment in CRP Nos.617 to 623 of 2007, dated 28.11.2014. Based on the recommendation of Commissioner of Land Administration, Chennai, a detailed report to Government has been addressed on 11.11.2016, and a clarification is awaited from the Government."

3. From the above, it is seen that the petitioner has been paid the compensation amount. But, the question regarding interest and solatium remain to be addressed. It is pending with the third respondent.

4. In view of the stand taken by the fourth respondent

in para 18 of the counter affidavit referred above, the third respondent is directed to take a final call with regard to interest and solatium for payment of compensation, within a period of eight weeks from the date of receipt of a copy of this order and mark a copy of the same to the petitioner.

5. With the above direction, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ari

To

1. The Land Acquisition Officer,
and Special Tahsildhar,
(Land Acquisition)
Housing Development Scheme No.1,
Coimbatore - 641 018.
2. The Executive Engineer,
Tamil Nadu Housing Board,
Tatabad,
Coimbatore - 641 012.
3. The Secretary,
Housing and Urban Development,
Government of Tamil Nadu,
Fort St. George,
Chennai.
4. The Chairman-cum-Managing Director,
Tamil Nadu Housing Board,
No.493, Annasalai, Nandanam,
Chennai 600 035.
5. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C. Prabakaran, Advocate, S.R.No.17216
+1cc to Mr.B. Vivekavanam, Advocate, S.R.No.17524
+1cc to the Government Pleader, S.R.No.17350

ss(CO)
md(04/04/2017)

W.P.No.37816 of 2016