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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.08.2017

CORAM:

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

SUB A(MD) No.95 of 2017

in

Cont.P(MD)No.707 of 2016

in

WP(MD)No/14324 of 2013

Santhappan

.. Petitioner/Petitioner

-vs-

1.Vashishta Johri,
General Manager,
Southern Railways, Chennai.

2.K.S.Palanisamy,
District Collector, Tiruchirappalli District.

3.Rajarajan,
Revenue Divisional Officer,
Srirengam, Trichy District.

4.Akbar Ali,
Tahsildar,
Manapparai Taluk, Trichy District.

:Respondents/Respondents

Prayer: Application is filed under Section 151 of Code of Civil Procedure, praying to clarify the order dated 24.11.2016 passed in Contempt Petition (MD)No.707 of 2016 in W.P.(MD)No.14324 of 2013.

Prayer in CONT P(MD). 707/ 2016 :

This Petition is filed under section 11 of the Contempt of Courts Act praying to punish the respondents for their wilful and deliberate disobedience of the order of this Honourable Court Passed in W.P(MD)No.14324 of 2013 dated 18.09.2015

Prayer in WP(MD). 14324/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents herein to forthwith pay the due and just compensation for acquiring the family property of the petitioner vide Patta No.2268, comprised in S.No.308.15 measuring 0060 Ares and S.No.308/18,19 and 20H measuring 0035,0030,0010 Ares respectively situated at Kannudaiyanpatti, (Prayer amended as per Order dated 04.09.2014 in M.P.No.1 of 2013) and patta No.679 comprised in S.No.308/18,19 and 20H measuring 0035,0030,0010 Ares respectively situated at Kannudaiyanpatti, Manapparai Taluk, Trichy, with interest at 12% p.a. Within a reasonable time as may be directed by this Court [Prayer amended as per order dt.04.09.14 in MP.1&2/13]



For Petitioner : Mr.T.Lenin Kumar

For 1st Respondent : Mr.C.Vakeeswaran

For R2 to R4 : Mr.Murugan
Government Advocate

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O R D E R

The petitioner has filed this application, seeking clarification of the order passed in Contempt Petition (MD)No.707 of 2016 in W.P.(MD)No.14324 of 2013, dated 24.11.2016.

2.Heard Mr.T.Lenin Kumar, learned counsel for the petitioner and Mr.C.Vakeeswaran, learned counsel for the 1st respondent and Mr.Murugan, learned Government Advocate for respondents 2 to 4 and perused the materials available on record.

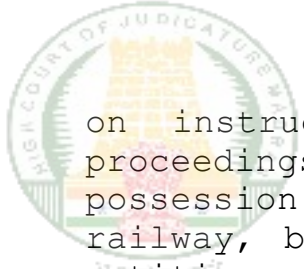
3.The learned counsel for the petitioner would submit that the lands of the petitioner, in various survey numbers, were acquired by the respondents in the year 2012 and pursuant to the acquisition proceedings, they have been taken possession from the petitioner. Due to non-payment of compensation, the Writ Petition in W.P.(MD)No.14324 of 2013 was filed.

4.It is further submitted that on 18.09.2015, based on the submission of the counsel for the first respondent that the representation of the petitioner will be considered, on merits and compensation will be paid, this court directed the second and third respondents to forward the petitioner's representation to the first respondent and he was also directed to consider the representation on merits and pay compensation, if any to the petitioner, within a period of eight weeks.

5.The learned counsel for the petitioner would further submit the due to non-compliance of the order, the above contempt petition was filed and during the pendency of the contempt petition, the first respondent deposited a sum of Rs.2,08,493/- to the 2nd respondent towards interim compensation. In view of the above fact, the contempt petition was closed, directing the second respondent to deposit the said amount, in any one of the Nationalized Bank.

6.The learned counsel for the petitioner would further submit that the petitioner is entitled to get interim compensation, since the property of the petitioner was taken away from him by the respondents and therefore, the petitioner may be permitted to withdraw the amount.

7.The learned counsel appearing for the first respondent,



on instructions, submitted that though the land acquisition proceedings have been initiated in the year 2001 and the possession was taken over by the first respondent Southern railway, but, so far no interim award, neither in favour of the petitioner nor in favour of the land owner was determined. However, to avoid contempt proceedings, the amount was deposited to the second respondent.

8.It is not in dispute that the petitioner's lands were acquired by the respondents and possession was taken in the year 2012. However, unfortunately even after a lapse of five years, admittedly, the compensation was not paid.

9.In view of the above facts, this Court is of the view that the petitioner is entitled to withdraw the amount. Therefore, the second respondent is directed to disburse the amount of Rs.2,08,493/- along with accrued interest to the petitioner, forthwith.

10.This application is ordered accordingly. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1.The General Manager, Southern Railways,Chennai.

2.The District Collector, Tiruchirappalli District.

3.The Revenue Divisional Officer,
Srirengam, Trichy District.

4.The Tahsildar,Manapparai Taluk,Trichy District.

+1cc to M/S.T.LENIN KUMAR, Advocate SR.No.70808

sss/lr/er

MAS/SV-MMS/SAR4:29.08.2017:3P-6C

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