

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.No.3282 of 2018

1. K.Raja
2. K.Vijayakumar

...Petitioners

Vs.

1. The District Collector,
Tiruvannamalai District,
Land Acquisition Officer,
Tamil Nadu Road Sector Project,
Tiruvannamalai.
 2. The Special Thasildar (Land Acquisition),
Tamil Nadu Road Sector Project,
Tiruvannamalai.
 3. The Revenue Secretary,
Fort St. George, Chennai.
 4. The Finance Secretary,
Fort St. George, Chennai.
-Respondents
- [R4 & R5 are Suo motu impleaded as per the order
of this Court dated 14.02.2018 in W.P.No.3282 of 2018]

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Declaration, to declare the entire acquisition proceedings relating to the petitioners' property having a total extent of 0.25.46 Hectare (62.89 Cents) comprised in Survey No.78/1B in Keelnathur Village in Tiruvannamalai Taluk and District abated in view of Section 24 (2) of the Right to Fair Compensation and Transparency Act, 2013 (Central Act No.30/2013, acquired for the purpose of formation of Tiruvannamalai Bye-pass covered under Award No.5/2008 passed in the proceedings in Rc.M1/74333/2006, dated 31.01.2008 by the 1st respondent and consequentially direct respondents to fix the compensation under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Re-Settlement Act, 2013 (Central Act No.30/2013) within a reasonable time to be fixed by this Court.

For Petitioners : Mr.Neelakandan
for M/s.C.Mahendran
For Respondents : Mr.D.Raja, AGP

ORDER

This writ petition has been filed for declaration to declare the entire acquisition proceedings relating to the petitioners' property is abated and direct the respondents to fix the compensation under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Re-Settlement Act, 2013 (Central Act No.30/2013)

2. Heard the learned counsel for the petitioners and the learned Additional Government Pleader for the respondents and perused the materials available on record.

3. The learned counsel for the petitioners submitted that the lands of the petitioners were acquired by the respondents for the formation of Tiruvannamalai By-pass, by invoking Tamil Nadu High Ways Act, in the year 2007.

4. The petitioner being dis-satisfied with the award of the first respondent sought reference to the Civil Court in LAOP.No.2 of 2009. On reference, the Sub Court, Tiruvannamalai has enhanced the compensation. Thereafter, the petitioners have filed Execution Petition in E.P.No.161 of 2016 to recover the amount of Rs.62,91,349/-. Since the amount was not deposited, the petitioner has come forward with this writ petition.

5. The learned counsel for the petitioner submitted that the petitioners would be satisfied, if a direction is issued to the respondent to deposit the award amount in a time frame.

6. The learned Additional Government Pleader for the respondents submitted that after getting the work sheet from the Thasildar, the first respondent is ready to deposit the amount.

7. Considering the facts and circumstances of the case and the submissions of the learned counsels on either side, this Court, directs the first respondent to deposit the award amount to the credit of the Execution Petition, within a period of twelve weeks from the date of receipt of a copy of this order. In case of any default, the petitioners / land owners are at liberty to work out their remedy, in the manner known to law.

8. With the above observation and direction, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

pvs

To

1. The District Collector,
Tiruvannamalai District,
Land Acquisition Officer,
Tamil Nadu Road Sector Project,
Tiruvannamalai.
2. The Special Thasildar (Land Acquisition),
Tamil Nadu Road Sector Project,
Tiruvannamalai.
3. The Revenue Secretary,
Fort St. George, Chennai.
4. The Finance Secretary,
Fort St. George, Chennai.

+1cc to M/s.C.Mahendran, Advocate sr.no.36425
+1cc to Government Pleader in sr.no.37475

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sj(co)
nr 26/06/2018

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