

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2018

CORAM: THE HONOURABLE Mr.JUSTICE N.SESHASAYEE

W.P.No.8497 of 2017

Esther Hilda

... Petitioner

-Vs-

1.The Defence Estate Officer
Defence Estate Office
Madras Circle, No.306, Anna Salai
Teynampet
Chennai - 600 018.

2.The District Collector of Vellore
Collectorate
Sathuvachari
Vellore.

3.The Revenue Divisional Officer
RDO Office
Ranipet
Vellore District.

4.The Tahsildar
Land Acquisition Officer for
Adhi Dravidar Welfare
Indian Navy and Air Force Unit-II
Arakkonam
Vellore District.

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 20.03.2017 and further direct the first respondent to deposit the award amount with interest and solatium as per judgment and decree dated 31.03.1999, made in LAOP.No.86/1994 on the file of Subordinate Judge, Ranipet.

For Petitioner : Mr.A.Gouthaman

For Respondents: Mr.C.V.Ramachandra Murthy
Senior Panel Counsel [for R1]

Mr.Akhil Akbar Ali
Government Advocate [for R2 to R4]

ORDER

The petitioner waiting for a compensation for close to thirty years, now appears to be in a position to wear a smile and perhaps with a tinge of pain.

2. The short facts involved in this case are that the petitioner owned a piece of property in Survey No.3/2C2A of Perupuchi Village, Arakkonam Taluk, Vellore District, and that his land was acquired for the benefit of the first respondent. An award was passed on 06.04.1988. Aggrieved by the inadequacy of the compensation awarded, the petitioner has moved the Sub Court, Ranipet, Vellore in LAOP.No.86 of 1994 under Section 18 of the Land the Acquisition Act and Vide its decree dated 31.03.1999, the Sub Court, Ranipet has enhanced the compensation amount. Now the grievance expressed by the petitioner is that for the last 18 years, no attempt is made by the respondents to pay the compensation that she is entitled to. Hence, the petitioner has approached this Court in this writ petition for a direction to the respondents to pay the compensation she is entitled to.

3.1 To ascertain the actual amount payable, a memo of calculation was filed by the learned counsel for the petitioner as well as by the learned counsel for the first and third respondents. The compensation demanded by the petitioner as per her memo is Rs.2,84,037.67/- as in November '2017, but the first respondent came out with a calculation of Rs.2,23,836/-, while the third respondent, the beneficiary of the acquisition has arrived it at Rs.2,12,515/-.

3.2. As there were conflicting figures between all the three parties to litigation, this Court directed the Registrar (Judicial) to hold an enquiry into this matter and submit a report. The Registrar (Judicial) after hearing the parties has reported that a sum of Rs.2,31,317.12/- is payable as on 31.01.2018.

4. The learned counsel for the petitioner submits that he accepts the said calculation arrived by the Registrar (Judicial). The respondents too concurs to the correctness of the sum so arrived by the Registrar.

5. The learned counsel for the third respondent assisted by Mr.Dinesh Kumar, Sub Divisional Officer, Grade-I of Defence Estate Office, Chennai, submitted that the third respondent, the beneficiary would pay the compensation amount of Rs.2,31,317.12/-, as determined by the Registrar (Judicial), plus future interest at the rate of 15% up to the date of actual payment and undertook pay the same within three weeks from today.

6. In view of the broad consensus arrived between both sides, this Court merely records the same and directs the 1 and 2 respondent to pay the petitioner a sum of Rs.2,31,317.12/- + future interest at 15%, till the date of payment. Respondents are directed to comply with the aforesaid direction within three weeks from today. With the above direction, this writ petition is disposed of. No costs.

For reporting compliance post the matter to 16.03.2018.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

ds

To:

- 1.The Defence Estate Officer
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Madras Circle, No.306, Anna Salai
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Chennai - 600 018.
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Indian Navy and Air Force Unit-II
Arakkonam
Vellore District.

5. The Registrar Judicial, High Court, Chennai-104

+1 cc to MR. A. Gouthaman, Advocate Sr.16244(5.3.2018)

+1 cc to Mr. C.V. Ramachandra Murthy, Advocate SR.2519(8.3.18)

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PVS (CO)