

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.06.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.4563 of 2018
and WMP.No.5621 of 2018

1. Deenadhayalu Naidu
2. B.Udhaykumar
3. Lakshmi Devi
4. K.R.Gnanasekar
5. Lakshmi Ammal
6. S.Mohanan
7. David Robertson
8. Sivadhanu
9. Jaisingh
10. Kuppa Bai
11. P.Bellarmeena
12. J.Kamal
13. K.Murugesan
14. M.V.Rajaram
15. Prakash
16. Karthikeyan
17. Ravi Christopher
18. N.Durai Mani
19. Sheik Ibrahim
- 20.M.Meenakshi

..Petitioners
Vs

1. The Special Tahsildar,
Unit IV - Outer Ring Road Scheme,
CMDA, Egmore, Chennai - 600 008.
Now at Koyambedu Wholesale
Market Complex
Chennai - 600 082.
2. The Member Secretary,
Chennai Metropolitan Development Authority,
Egmore, Chennai - 600 008.

..Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, to direct the respondents to deposit balance 50% of the enhanced

compensation amount award in L.A.O.P. Nos. 13,16,18,20,70 to 72,74,75,77 to 80, 84 to 86 and 409 of 2003 on the file of Addl. District Court, (Fast Track Court) Poonamallee as confirmed by this Court in A.S.Nos.839 to 855 of 2012 dated 10.08.2015.

For Petitioners : Mr.M.Muthappan
For Respondents : Mr.D.Raja
Additional Government Pleader for R1
: Mr.P.S.Ganesh
Standing Counsel for R2

ORDER

Heard the learned Counsel for the petitioner, the learned Additional Government Pleader appearing for the first respondent and the learned Standing Counsel appearing for the second respondent and perused materials available on record.

2. This writ petition has been filed for issuance of a writ of mandamus to direct the first respondent to deposit the balance 50% to the credit of L.A.O.P. Nos. 13,16,18,20,70 to 72,74,75,77 to 80, 84 to 86 and 409 of 2003.

3. The lands of the petitioners in Nemilicheri Village in Poonamallee Taluk were acquired by the respondents for the purpose of formation of an Outer Ring Road. Aggrieved over the award passed by the Land Acquisition Officer, reference under Section 18 of the Land Acquisition Act was made before the Civil Court. The learned Additional District Court, Poonamallee by a Common Judgment has enhanced the compensation to Rs.43,560/- per cent, which was also confirmed by this Court in first appeal in A.S.Nos. 839 to 855 of 2012.

4. The learned Counsel for the petitioner submitted that this Court granted interim stay of the award passed by the Additional District Court, Poonamallee on condition that the respondent shall deposit 50% of the enhanced compensation. Accordingly, the respondents deposited the amount, which were also withdrawn by the petitioners. The grievance of the petitioners is that the balance 50% of the enhanced compensation was not paid by the respondents so far.

5. The learned Additional Government Pleader on instructions fairly submitted that the respondent has not preferred any appeal to the Hon'ble Supreme Court against the common Judgment passed in the Appeal Suits and hence they attained finality.

6. Perusal of the records would reveal that each petitioners owned a small extent of lands, which were acquired

by issuing a notification under Section 4(1) of the Land Acquisition Act, dated 05.01.2000. The enhancement of compensation awarded by the Additional District Court, Poonamallee was confirmed by the Division Bench of this Court on 10.08.2015.

7. Taking note of the above facts and to meet the ends of Justice, the respondents are directed to pay the balance amount to the petitioners directly within a period of four weeks.

8. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

9. Post on 25.07.2018, for Reporting Compliance.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

msrm

To

1. The Special Tahsildar,
Unit IV - Outer Ring Road Scheme,
CMDA, Egmore, Chennai - 600 008.
Now at Koyambedu Wholesale
Market Complex
Chennai - 600 082.
2. The Member Secretary,
Chennai Metropolitan Development Authority,
Egmore, Chennai - 600 008.
3. The Section Officer,
Writ Section
High Court, Madras.

+1cc to Mr.P.S.Ganesh Standing Counsel, Advocate, S.R.No.40748

+1CC to Mr.M.Muthappan, Advocate, sr.7260 (20/07/2018)

W.P.No.4563 of 2018

RSK(CO)
GSP(16/07/2018)