

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.01.2018

Coram: The Honourable Mr. Justice N. SESHASAYEE

W.P.No.7710 of 2017

1. Kandaswamy Gounder
2. Palaniammal
3. Periaswamy
4. Nataraj
5. Nachammal

(Petitioners 1 to 5 rep. By Power Agent K. Kuppusamy, Son of Kandaswamy Gounder, 3F, Honeywel Apartment - II, Opposite Parimalam Mahal, Perundurai Road, Thindal, Erode - 638 012.)

...Petitioners

Versus

1. The Principal Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Fort St. George,
Chennai - 600 009.
2. The Director,
Adi Dravidar and Tribal Welfare Department,
Chepauk,
Chennai - 600 005.
3. The District Collector,
Tiruppur District,
Tiruppur.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents herein to pay compensation, based on the representation of the petitioner dated 30.05.2016, 15.07.2016, 01.11.2016 and 20.12.2016 as well as the proposal sent by the third respondent herein to the second respondent herein in Na.Ka.No.6824/2009/Ka1 dated 16.08.2016, as fixed by the Sub Court, Udumalpet in C.M.A.No.8 of 2001 which was confirmed by the Division Bench of this Hon'ble Court in S.A.No.1771 of 2003.

For Petitioners : Mr. S. Saravanan
For Respondents : Mr. Akhil Akbar Ali,
Government Advocate

O R D E R

The petitioners have come forward with this Writ Petition seeking issuance of a Writ of Mandamus to direct the respondents to pay the compensation amount due on the lands acquired by the Government.

2. When the matter came up on 04.12.2017, the learned counsel for the petitioners submitted that the petitioners are due to be paid a sum about Rs.63.0 lakhs and the matter is pending for a long time.

3. This matter came up before this Court on 02.01.2018. Mr.Akhil Akbar Ali, the learned Government Advocate, entered appearance for State and sought time to file the Status Report in the matter and accordingly, the case is posted today (03.01.2018).

4. Today, when the matter is taken up, the learned Government Advocate brought to the notice of the Court that Government has passed G.O.Ms.No.182, Adi Dravidar & Tribal Welfare Department, dated 07.07.2017, wherein, it is indicating that a sum of Rs.38,59,606/- has been directed to be deposited in the Court.

5. The learned Government Advocate on instructions added that the present Writ Petition is filed by the Power of Attorney of the petitioners. Four of them have passed away and therefore, the petitioner has no locus standi since the Power of Attorney came to an end with the death of the principals, and therefore, the present Power of Attorney cannot receive the amount.

6. The learned counsel for the petitioner added that the petitioners are entitled to the amount of compensation, Rs.63 Lakhs. Inasmuch as, the respondent has deposited the amount that according to it is the compensation amount due, this proceeding should necessarily come to an end. If the petitioner is aggrieved by the amount of compensation deposited and desirous of any enhancement of compensation, it requires to be worked out separately and in the manner known to law. So far as the disbursement of the compensation amount is concerned, the Court before which the money is deposited should ascertain the identity of the person receiving and his/her entitlement to receive the compensation before disbursing it. In particular, it should ascertain if all the member who have executed the Power of Attorney are alive.

7. With the above observation or direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS VI)

//True copy//

Sub Assistant Registrar

mrr

To

1. The Principal Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Fort St. George,
Chennai - 600 009.
2. The Director,
Adi Dravidar and Tribal Welfare Department,
Chepauk,
Chennai - 600 005.
3. The District Collector,
Tiruppur District,
Tiruppur.

+1cc to Mr.S.Saravanan, Advocate SR.No.401

W.P.No. 7710 of 2017

VGI (CO)
GN(16/02/2018)

सत्यमेव जयते
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