

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2018

CORAM: THE HONOURABLE Mr.JUSTICE N.SESHASAYEE

W.P.No.33214 of 2017

Narayanasami

... Petitioner

-Vs-

1.The District Collector
Thiruvannamalai District
O/o.The District Collector
Vengikkal
Tiruvannamalai - 606 604.

2.The District Adi Dravidar & Tribal Welfare Officer
Tiruvannamalai
Collectorate Complex
Vengikkal
Tiruvannamalai - 606 604.

3.The Special Tahsildar
Adi Dravidar Welfare
Chengam Taluk Office
Chengam - 606 701
Tiruvannamalai District.

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents herein to consider the petitioner's representation dated 19.9.2016 requesting the respondents herein to grant the compensation of a sum of Rs.68,287/- (sixty eight thousand two hundred and eighty seven only) with subsequent interest as on date, to this petitioner which is due to the petitioner by way of acquisition of the petitioner's schedule mentioned property, which was acquired by the respondents under the Adi Dravidar Welfare Act, 1978.

For Petitioner : Mr.S.Vediappan

For Respondents : Mr.Akhil Akbar Ali
Government Advocate

ORDER

The petitioner has filed this petition seeking a writ of mandamus directing the respondents to pay him the compensation of Rs.68,287/- with subsequent future interest, pursuant to the award dated 27.03.1998 passed by the third respondent herein under the Tamil Nadu Acquisition of Lands for Harijan Welfare Act, 1978.

2. The learned counsel for the petitioner submitted that there was some initial resistance by the petitioner to the acquisition proceedings, but ultimately the award has been passed and possession of the property too was taken, but he was yet to receive the compensation amount. Therefore, he moved the authority with an application dated 08.10.2013, to pay him the compensation.

3. This was represented to by the third respondent Vide his proceedings dated 25.10.2013, wherein he has stated that since the amount was not claimed for considerable period of time, the same has lapsed and that it has to be revalidated and accordingly has addressed to the Adi Dravidar and Tribal Welfare Officer, with a copy marked to the petitioner. Thereafter, quite a few correspondences have taken place between the Special Tahsildar and the aforesaid officer. Since nothing has progressed, the petitioner has come forward with this present petition.

4. There is nothing to deny the fact that the petitioner's property was acquired and he was awarded the compensation of Rs.68,287/- It is also not disputed that the petitioner had slept over his rights to obtain compensation for about 15 years and has approached the authorities for payment of compensation only on 08.10.2013. Therefore, there is merit in the statement of the Special Tahsildar, the third respondent made in his communication to the District Adi Dravidar and Tribal Welfare Officer, Tiruvannamalai dated 25.10.2013 for seeking revalidation of the said sum as the same has lapsed. However, nothing appears to have happened for the next four years and therefore the petitioner was made to approach this Court, what prima facie appears to be an unnecessary litigation for a direction to the authorities concerned for payment of compensation amount.

5. The third respondent is hereby directed to pay the compensation amount along with future interests payable at the rate of 12% per annum from 08.10.2013, within eight weeks from the date of receipt of a copy of this order. This petition is disposed of accordingly. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

ds

To:

- 1.The District Collector
Thiruvannamalai District
O/o.The District Collector
Vengikkal
Tiruvannamalai - 606 604.
- 2.The District Adi Dravidar & Tribal Welfare Officer
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Tiruvannamalai District.

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+1 CC to Mr.S.Vediappan, Advocate Sr.No.3827.

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KP(07/02/2018)