

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2018

CORAM

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

W.P.No.21864 of 2018
and WMP.No.25638 of 2018

K.Muthusamy

... Petitioner

Vs.

1. The District Collector
Erode District, Erode.
2. The Revenue Divisional Officer,
Erode, Erode District.
3. The Executive Engineer,
Tamil Nadu Housing Board,
Neighbourhood Scheme,
Surampatti Nall Road, Erode.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents to disburse the compensation to the tune of Rs.5,44,765/- together with interest 15% from date of order passed by the 1st respondent in his proceedings No.Na.Ka.964/2017/B1, dated 20.02.2017 till the compensation being paid by the respondents to the petitioner and his family members.

For Petitioner : Mr.C.Prakasam

For Respondents: Mr.M.Elumalai
Government Advocate for R1 & R2
Mr.R.V.Babu for R3

O R D E R

The prayer in the writ petition is for issuance of a writ of mandamus directing the respondents to disburse the compensation to the tune of Rs.5,44,765/- together with interest 15% from date of order passed by the first respondent in his proceedings

No.Na.Ka.964/2017/B1 dated 20.02.2017 till the compensation being paid by the respondents to the petitioner and his family members.

2. The writ petition has been filed seeking a direction to the respondents to disburse the compensation amount payable to the petitioner with interest. The grievance of the petitioner is that the petitioner's land was acquired for the Tamil Nadu Housing Board in the year 1976, thereafter, award was also passed. Subsequently, at request of the neighbouring land owners, the matter was referred to the Sub Court, Erode under Section 18(1) of Land Acquisition Act, for enhancing compensation at the rate of Rs.750/- per cent. Thereafter a writ petition was filed in W.P.No.20874 of 1993 but the same was dismissed on the ground that the LAOP No.2 of 1994 was not disposed at that time. After the disposal of the LAOP and A.S. the petitioner approached the respondents and made request to conclude the enquiry under Section 28(A) of Land Acquisition Act, but the respondents have not concluded the enquiry and passed final order and therefore the petitioner filed W.P.No.39647 of 2016 directing the respondents to conclude the enquiry under Section 28(A) of Land Acquisition Act and seeking to pass final orders. After the disposal of the writ petition, the petitioner approached the first respondent and produced the copy of the order and made request to disburse the compensation. Even though, an order was passed by the first respondent on 20.02.2017 after verifying the entire records, so far the amount has not been disbursed, hence the present writ petition .

3. Earlier notice was ordered to the respondent. Today, when the matter came up for hearing, the learned counsel appearing for the respondents 1 & 2 on instructions submitted that now the first respondent is willing to disburse the entire amount within a period of six weeks. Considering the above said submission made by the learned Government Advocate, the first respondent is directed to pay the compensation amount payable to the petitioner within a period of six weeks from the date of receipt of a copy of this order.

4. With the above directions, the writ petition stands disposed of. No costs. Consequently connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS-VI)

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Sub Assistant Registrar

dpq

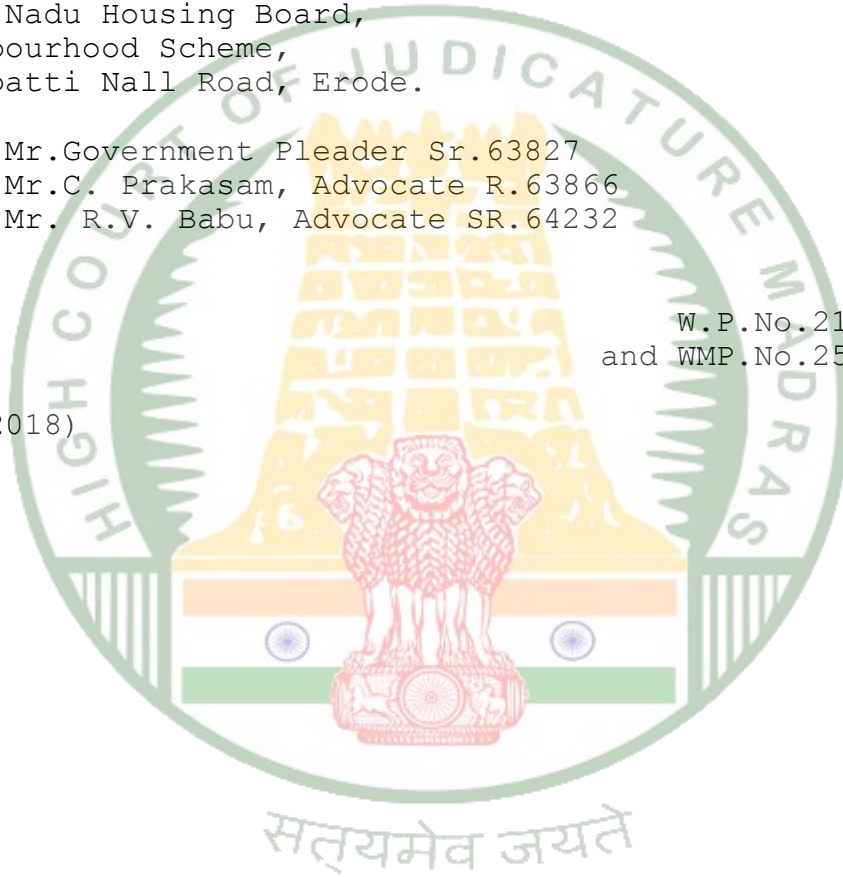
TO

1. The District Collector
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2. The Revenue Divisional Officer,
Erode, Erode District.
3. The Executive Engineer,
Tamil Nadu Housing Board,
Neighbourhood Scheme,
Surampatti Nall Road, Erode.

- + 1 cc to Mr.Government Pleader Sr.63827
- + 1 cc to Mr.C. Prakasam, Advocate R.63866
- + 1 cc to Mr. R.V. Babu, Advocate SR.64232

W.P.No.21863 of 2018
and WMP.No.25638 of 2018

(CS-VI)
EU (24/09/2018)



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