

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.01.2018

Coram: The Honourable Mr. Justice N. SESHASAYEE

W.P.No. 24010 of 2017

Saraswathi Ammal

...Petitioner

Versus

1. The District Revenue Officer (Land Acquisition)
Office of the Land Acquisition,
SIPCOT, Irungattukottai Extension Scheme Unit II,
Pillaipakkam,
Sriperumbudur, Kanchipuram District.

2. The Special Tahsildar (Land Acquisition)
Office of the Land Acquisition,
SIPCOT, Irungattukottai Extension Scheme Unit II,
Pillaipakkam,
Sriperumbudur, Kanchipuram District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to disburse the compensation amount at Rs.200/- per Sq.ft with interest at the rate of 24% per annum from the date of acquisition of the petitioner's house plot at No.226, admeasuring 3245 Sq.ft comprised in Survey No.17/1, situated at No.158, Pillaipakkam Village, Tiruvarangam Nagar, Sriperumbudur Taluk, Kanchipuram District, acquired by the Respondents.

For Petitioner : Mr. Ilanthiraiyan
for M/s. Sai Bharath and Ilan

For Respondents : Mr. Akhil Akbar Ali,
Government Advocate

O R D E R

In this Writ Petition, petitioner seeks issuance of a Writ of Mandamus to direct the respondents to disburse the compensation amount at Rs.200/- per sq.ft with interest at the rate of 24% per annum from the date of acquisition of the petitioner's house at plot No.226, admeasuring 3245 sq.ft comprised in Survey No.17/1, situated at No.158, Pillaipakkam Village, Tiruvarangam Nagar, Sriperumbudur Taluk, Kanchipuram District, acquired by the respondents.

2. The case of the petitioner is that the property of the petitioner, a plot admeasuring 3,245 Sq.ft in Survey No.17/1 of Pillaipakkam Village, Tiruvarangam Nagar, Sriperumbudur Taluk, Kanchipuram District was acquired by the second respondent/Special Tahsildar, and an award was passed on 14.07.2008 at the rate of Rs.200/- per sq.ft. However, to the dismay of the petitioner, the compensation amount awarded was not disbursed to the petitioner. In between, there were some disputes regarding title and that was sorted out in O.S.No.280 of 2009 and the same was decided in favour of the petitioner. After the decree of the Civil Court, the second respondent had summoned the petitioner on 14.11.2016 and enquired the petitioner on 22.11.2016. The second respondent had informed the petitioner that the amount would be disbursed in due course. In spite of that, the learned counsel submitted that the amounts have not been disbursed.

3. In the counter affidavit, it is alleged that the compensation amount was paid to one Mr.Panneerselvam. Clarifying the same, the learned counsel for the petitioner submitted that petitioner's vendor had sold the same plot to Mr.Panneerselvam, after the sale deed in her favour and it is double sale of the same property, first in favour of the petitioner and then in favour of Paneerselvam, has necessitated the petitioner to file O.S.No.280 of 2009, which as mentioned was decreed in favour of the petitioner.

4. Mr. Akhil Akbar Ali, learned Government Advocate has entered appearance for the respondents and submitted that the respondents have committed bonafide mistake in making payment to said Mr.Panneerselvam and that Revenue Recovery proceedings have been initiated to recover such sum from Mr.Panneerselvam.

5. The averment made by the respondents in the counter affidavit is that the compensation has not been paid to a person who is entitled to receive it. The mistake, whatsoever/however bona-fide it may be, it shall not deny the petitioner of her right to compensation, and it cannot be linked to the Revenue Recovery proceedings that the respondents have initiated against Mr.Panneerselvam for the recovery of sum wrongly paid. Therefore, the second respondent is required to pay the compensation sum payable as per the award to the petitioner without waiting for the completion of the Revenue Recovery proceedings initiated against the said Mr.Panneerselvam.

6. Having directed thus, it is also necessary for the State, the respondents, as manager of public funds owe a duty to ensure the amounts that wrongly disbursed is recovered. The Secretary to Government, Industries Department is required to monitor and ensure that the Revenue Recovery proceedings initiated against Mr.Panneerselvam is taken to logical end and loss to the exchequer is nullified.

7. In the end this Court directs the respondents to pay the compensation amount payable to the petitioner within eight weeks from the date of receipt of copy of this order without waiting for the culmination of the Revenue Recovery proceeding referred to. With the above direction, this Writ Petition is disposed of. No costs.

-Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

To :

1. The Chief Secretary
Government of Tamil Nadu
Secretariat
Fort St. George
Chennai - 600 009.
 2. The Secretary
Government of Tamil Nadu
Industries Department
Fort St. George
Chennai - 600 009.
 3. The District Revenue Officer (Land Acquisition)
Office of the Land Acquisition,
SIPCOT, Irungattukottai Extension Scheme Unit II,
Pillaipakkam,
Sriperumbudur, Kanchipuram District.
 4. The Special Tahsildar (Land Acquisition)
Office of the Land Acquisition,
SIPCOT, Irungattukottai Extension Scheme Unit II,
Pillaipakkam,
Sriperumbudur, Kanchipuram District.
- 1 cc to M/s. Sai Bharath & Ilan, Adocate Sr.No.729
 - 1 cc to The Government Pleader Sr.No.3662

W.P.No.24010 of 2017

CO (BR)
RRI 03/02/2018