

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P. 23579 of 2018

1. P.Krishnaveni
2. P.Gomathi

... Petitioners

Vs.

1. The District Collector,
Erode Dt.

2. The Revenue Divisional Officer,
Erode.

3. The Special Tahsildar,
(Land Acquisition),
Neighbourhood Scheme,
O/o. The Revenue Divisional Officer,
Erode Dt.

4. The Executive Engineer and
Managing Officer,
Tamil Nadu Housing Board,
Surampatti Nal Road, Erode.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 2nd respondent to pay the additional compensation amount of Rs.92,51,310/- (Rs. 54,75,278/- + Rs.37,76,032/-) to the petitioners as per the order passed by the 1st respondent vide his office proceedings Na.Ka.54522/1993/A1 dated 06.02.2017 and in Na.Ka.1630/1990/A1 dated 06.02.2017 in connection with the petitioner's land in R.S.No.455/1 and R.S.No.761/2 of Erode-C Village, Erode District along with the interest at the rate of 15% per annum till the date of payment within the time fixed by this Hon'ble Court.

For Petitioners : Mr.I.C.Vasu Devan

For Respondents : Mr.C.Thirumaran,
Special Government Pleader
for Respondents 1 to 3

Mr.R.V.Babu,
Standing Counsel for R4

O R D E R

This Writ Petition has been filed seeking for a direction directing the 2nd respondent to pay the additional compensation amount as ordered by the 1st respondent in and by its proceedings dated 06.02.2017.

2. The grievance of the petitioners is that earlier, the land acquisition proceedings was initiated against the petitioners lands by the respondents 1 and 2 and the award was also passed in favour of the petitioners as well as their mother one Palaniammal. Thereafter, the neighbouring landowners have sought for reference under Sec.18 of the Land Acquisition Act seeking enhancement of compensation, which was ordered by the authorities and the appeal filed by the 3rd respondent in A.S.No.813 of 2003 was also dismissed and the Supreme Court of India has restored the compensation amount fixed in L.A.O.P. by the First Addl. Sub-Court, Erode in a Special Leave Petition.

3. Based on the enhancement of compensation, the petitioners have also filed a petition under Sec.28-A of the Land Acquisition Act and the 1st respondent in and by its proceedings dated 06.02.2017 has enhanced the amount and the apportionment was also granted to the petitioners. Even though the order was passed on 06.02.2017, so far the amount was not disbursed by the 2nd respondent. Hence, the petitioners have filed the present Writ Petition.

4. Earlier, the petitioners' mother had filed another Writ Petition seeking for payment of compensation in W.P.No. 17037 of 2017 and this Court by an order dated 27.07.2018 directed the 2nd respondent to pay the compensation and the same was also granted. So far as the petitioners are concerned, the compensation amount was not paid to them.

5. Considering the fact that already, the 1st respondent had passed the order under Sec.28-A of the Act, the 2nd respondent is directed to consider the petitioners' representation and to pay the compensation payable to the petitioners as per the order passed by the 1st respondent in and by its proceedings Na.Ka.54522/1993/A1, dated 06.02.2017 and in Na.Ka.1630/1990/A1 dated 06.02.2017 within a period of eight weeks from the date of receipt of the copy of this order.

6. The learned counsel appearing for the petitioners submitted that even though the order has been passed on 06.02.2017, till date, the amount was not paid to the petitioners. Hence, he is entitled for the interest for the amount. It is always open to the petitioner to approach the 2nd respondent seeking for interest and the 2nd respondent is

directed to consider the same and pass suitable orders in accordance with law.

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

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

rpp

To

1. The District Collector,
Erode Dt.
2. The Revenue Divisional Officer,
Erode.
3. The Special Tahsildar,
(Land Acquisition),
Neighbourhood Scheme,
O/o. The Revenue Divisional Officer,
Erode Dt.
4. The Executive Engineer and
Managing Officer,
Tamil Nadu Housing Board,
Surampatti Nal Road, Erode.

+1cc to Mr.I.C.Vasudevan, Advocate, S.R.No. 64537
+1cc to Mr. R.V.Babu, Advocate, S.R.No. 65116

WEB COPY

W.P. 23579 of 2018

GN(22/10/2018)