

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.14050 of 2018
& W.M.P.No.16604 of 2018

1. G.Dhanalakshmi
2. Devaki
3. Geetha
4. Santhi
5. Ravi Rao

..Petitioners

Vs

1. The Competent Authority &
Special District Revenue Officer (LA),
National Highways,
Kanchipuram and Thiruvallur Districts at Kanchipuram,
Office at Old Collectorate Campus Kanchipuram,
Kanchipuram District.
2. The Special Thasildar (LA),
National Highways,
Kanchipuram and Thiruvallur Districts at Poonamallee,
Office at 2nd Floor,
Taluk Office Premises,
Poonamallee, Chennai - 600 056.
3. Rani Ammal
4. P.Sampath

..Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus to direct the respondents 1 and 2 to immediately release to the petitioners 5/6th share in the compensation amount of Rs.17,66,277/- and / or any other additions or accruals thereon lying with Respondents 1 and 2 and payable to the petitioners in respect of the acquired lands in S.No.110/2A (after sub division S.No.110/2A2), Panchetti Village, Ponneri Taluk, Thiruvallur District.

For Petitioners
For Respondents

: M/s.N.R.Anantha Rama Krishnan
: Mr.D.Raja, AGP, for RR1 & 2
Mr.E.Prabhu, RR3 & 4

ORDER

Heard the learned counsel for the petitioners, learned Additional Government Pleader for the respondents 1 & 2 and the learned counsel for the respondents 3 & 4 and perused the materials available on record.

2. This writ petition has been filed for issuance of a writ of mandamus to direct the respondents 1 and 2 to immediately release the petitioners 5/6th share in the compensation amount of Rs.17,66,277/- for the land acquired in S.No.110/2A (after sub division S.No.110/2A2), Panchetti Village, Ponneri Taluk, Thiruvallur District.

3. The case of the petitioners is that their mother owned property in S.No.110/2A (now S.No.110/2A2) and by a registered settlement deed, dated 02.03.2010, she settled 5/6th share to the petitioners and 1/6th share in favour of the 3rd respondent.

4. The petitioners would state that the respondents 1 and 2 have acquired the land measuring an extent of 321 sq.mt. in Survey No.110/2A for the purpose of expansion of NH5.

5. The learned counsel for the petitioners submitted that the interim award of Rs.5,47,077/- and Rs.8,64,028/- is deposited in LAOP Nos.217 and 221 of 2015 on the file of the Sub Court Ponneri. While so, the first respondent has passed final award under the new Land Acquisition Act 30 of 2013, awarding compensation of Rs.17,66,277/-. It is further submitted that there is no dispute with regard to the disbursement of the compensation and hence the petitioners are entitled to succeed in this writ petition.

6. The learned Additional Government Pleader submitted that since objection was raised by the respondents 3 and 4, the amount was deposited in the LAOPs and if the disputes are settled, the parties may be directed to approach the authorities for disbursement of the amount.

7. In reply, the learned counsel for the petitioners and the learned counsel for the respondents 3 and 4 submitted that there is no dispute with regard to the disbursement of the amount and they have no objection for allotment of 5/6th share to the petitioners and 1/6th share to the third respondent.

8. The submissions of the learned counsels would reveal that there is no dispute with regard to disbursement of compensation. Hence, in the considered opinion of this Court, the petitioners are entitled to succeed in this writ petition. The learned Sub Judge, Ponneri is also directed to release the

amount deposited in the LAOP.Nos. 217 and 221 of 2015 in the same ratio within a period of eight weeks from the date of receipt of a copy of this order.

9. In the result, the writ petition is allowed with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

pvs

To

1. The Subordinate Judge, Ponneri.
2. The Competent Authority &
Special District Revenue Officer (LA),
National Highways,
Kanchipuram and Thiruvallur Districts at Kanchipuram,
Office at Old Collectorate Campus Kanchipuram,
Kanchipuram District.
3. The Special Thasildar (LA),
National Highways,
Kanchipuram and Thiruvallur Districts at Poonamallee,
Office at 2nd Floor,
Taluk Office Premises,
Poonamallee, Chennai - 600 056.

+2cc to Mr.N.R.ANANTHARAMAKRISHNAN, Advocate,
S.R.No.43083

+1cc to Mr.E.PRABU, Advocate, S.R.No.43287

+1cc to the Government Pleader, S.R.No.44579

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TR(11/07/2018)