

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 27.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.17037 of 2018

Palaniammal

... Petitioner

vs.

1.The District Collector,
Erode District.

2.The Special Thasildar,
(Land Acquisition)
Neighbourhood scheme,
Office of the Revenue Divisional Officer,
Erode & District.

3.The Executive Engineer and Managing Officer,
Tamilnadu Housing Board,
Surampatti Nal Road,
Erode.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 2nd respondent to pay the additional compensation amount of Rs.46,25,655 (Rs.27,37,639/- + Rs.18,88,016/-) to the petitioner as per the order passed by the 1st respondent vide his office proceedings Na.Ka.No.54522/1993/A1 dated 06.02.2017 and in Na.Ka.No.1630/1990/A1, dated 6.2.2017 in connecting 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 Court.

For Petitioner : Mr.I.C.Vasudevan

For Respondents : Mr.D.Raja
Additional Government Pleader
for R1 & R2

ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 & 2 and perused the materials available on record.

2. This Writ petition has been filed for the issuance of a writ of mandamus, directing the second respondent to pay additional compensation amount of Rs.46,25,655/- to the petitioner as per the orders of the first respondent dated 06.02.2017, for acquiring the lands of the petitioner in R.S.Nos.455/1 and 761/2 of Erode - C Village, Erode District.

3. According to the petitioner, the second respondent by issuing 4(1) notification dated 15.4.1991, acquired the lands of the petitioner in R.S.Nos.455/1 and 761/2. Being not satisfied with the award passed by the Land Acquisition Officer some of the owners covered under the notification sought reference under Section 18 of the Land Acquisition Act. Thus, the second respondent has referred the matters to the Civil Court. While so, First Additional Sub Judge, Erode has enhanced the compensation to Rs.20/- per sq.ft. instead of Rs.37,500/- per acre in L.A.O.P.Nos.25 of 2002 and 6 of 2003.

4. However, in the Appeal Suit in A.S.Nos.813 of 2003 and 688/2007, this Court, reduced the amount to Rs.8/-per sq.ft. Aggrieved against the judgment, the petitioner preferred SLP.Nos.25587 of 2009 and SLP.No.22607 of 2012 and the Supreme Court has restored the compensation amount fixed by the First Additional Sub Court, Erode.

5. The petitioner would further state that based on the judgement of the Supreme Court, the first respondent has re-determined the compensation by his order dated 06.02.2017 and directed the second respondent to pay the compensation. Despite the direction, the award has not been disbursed to the petitioner. Hence, she come up with the present writ petition.

6. The learned counsel for the petitioner submitted that the petitioner is a senior citizen aged about 68 years and she is not able to enjoy the fruits of the decree for more than 30 years and hence, a suitable direction may be issued to the second respondent to disburse the compensation.

7. The learned Additional Government Pleader appearing for the respondents 1 and 2 submitted that the second respondent is ready to disburse the amount to the petitioner in accordance with law.

8. Considering the facts and the submissions made by the learned counsel on either side, this Court, without going into the merits of the case, directs the second respondent to pay the award amount to the petitioner as per the order of the first respondent dated 06.02.2017, within a period of four weeks from the date of receipt of a copy of this order.

9. With the above direction, the writ petition is disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Collector,
Erode District.
- 2.The Special Thasildar,
(Land Acquisition)
Neighbourhood scheme,
Office of the Revenue Divisional Officer,
Erode & District.
- 3.The Executive Engineer and Managing Officer,
Tamilnadu Housing Board,
Surampatti Nal Road,
Erode.

+1cc to Mr.I.C.Vasudevan, Advocate, S.R.No.50999

+1cc to the Government Pleader, S.R.No.51424

W.P.No.17037 of 2018

GSP(30/07/2018)

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