

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.No.17476 of 2018

1. A.Girirajan
2. A.Dhanasgopal

...Petitioners

Vs.

- 1.The Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai - 600 009.
- 2.The Member Secretary,
Chennai Metropolitan Development Authority,
Egmore, Chennai - 600 008.
- 3.The Special Deputy Collector,
Land Acquisition,
Chennai Metropolitan Development Authority,
Egmore, Chennai - 600 008.
- 4.The Special Tahsildar,
Land Acquisition,
Chennai Metropolitan Development Authority,
Egmore, Chennai - 600 008.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the respondents herein to deposit the entire compensation amount to the credit of LAOP No.25 of 1983 on the file of Sub Court, Chengalpattu pursuant to the Judgment and Decree of this Court dated 29.07.1997 made in Cross Objection in AS.No.769 / 1984 by fixing a time limit.

For Petitioners
For Respondents

: Mr.M.S.Subramanian
: Mr.D.Raja, AGP, for RR1, 3 & 4
Mr.P.Tamil Mani, for R2

ORDER

Heard the learned counsel for the petitioners, learned Additional Government Pleader appearing for the respondents 1, 3 and 4 and the learned Standing Counsel for the 2nd respondent 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 to deposit the entire compensation amount to the credit of LAOP No.25 of 1983 on the file of Sub Court, Chengalpattu.

3. The case of the petitioners is that the petitioners' father M.S.Adishesha Mudaliar was having 2/3 share in the property in Survey Nos.194/1 and 194/3A, measuring total extent of 2.60 acres in Mugappair Village, Saidapet Taluk. The respondent by issuing 4 (1) notification dated 12.11.1975, acquired the said land and passed award on 12.11.1982.

4. It is further stated that the Land Acquisition Officer fixed compensation at the rate of Rs.210/- per cent and on request of the petitioners' father, the matter was referred to the Civil Court under Section 18 of the Land Acquisition Act and in L.A.O.P.No.25 of 1983, the Sub Court, Chengalpattu enhanced the compensation to Rs.654/- per cent by a judgment and decree, dated 29.07.1983. The appeal preferred against the judgment and decree in A.S.Nos.765 to 771 of 1984 were dismissed by this Court on 29.07.1997 and Cross Objections filed by the claimants were allowed by enhancing the compensation to Rs.760/- per cent.

5. The learned counsel for the petitioners submitted that even after lapse of four decades of the initiation of the acquisition proceedings, the land owners are not able to enjoy the fruit of the decree and hence, suitable order may be passed.

6. The learned Additional Government Pleader submitted that the respondents are ready to consider the representation and grievance of the petitioners in accordance with law.

7. Perusal of the records would reveal that the lands of the petitioners were acquired in the year 1975 and the appeal preferred against the judgment of the Sub Court was dismissed on 29.07.1997 and the Execution Petition is pending since 2001.

8. In the light of the above facts, this Court is of the opinion that it would be appropriate to issue direction to the respondents to deposit the award amount to the credit of LAOP No.25 of 1983. Accordingly, the writ petition is allowed and the respondents shall deposit the award amount within a period of four weeks from today. No costs.

9. Post the writ petition on 20.08.2018 for reporting compliance.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

pvs

To

- 1.The Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai - 600 009.
- 2.The Member Secretary,
Chennai Metropolitan Development Authority,
Egmore, Chennai - 600 008.
- 3.The Special Deputy Collector,
Land Acquisition,
Chennai Metropolitan Development Authority,
Egmore, Chennai - 600 008.
- 4.The Special Tahsildar,
Land Acquisition,
Chennai Metropolitan Development Authority,
Egmore, Chennai - 600 008.
- 5.The Sub Judge,
Chengalpattu, Chengalpattu District.

+2ccs to Mr.M.S.Subramanian, Advocate, S.R.No.48266

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BM 23/07/2018