

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.Nos.32037 and 32038 of 2016
and
W.P.No.30986 of 2017
and W.P.No.2249 of 2018

1. V.Mani
2. V.Durai ... Petitioners in W.P.Nos.32037
and 32038 of 2016

1. A.Rajesh Narang
2. Sulochana Narang
3. Manju Raheja ... Petitioners in W.P.No.30986
of 2017 and W.P.No.2249 of 2018

Vs

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. The Managing Director,
Tamil Nadu Housing Board,
Chennai-600 035.
3. The Special Tahsildar,
Tamil Nadu Housing Board,
Chennai-600 035. ... Respondents in W.P.Nos.32037
and 32038 of 2016

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. The Managing Director,
Tamil Nadu Housing Board,
Chennai-600 035.
3. The Special Tahsildar (LA) 5,
Tamil Nadu Housing Board,
Chennai-600 035. ... Respondents in W.P.Nos.30986/2017
and 2249 of 2018

Common Prayer in WP.Nos.32037 and 32038 of 2016:-

Writ petitions are is filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd respondent to pay the enhanced amount Rs.4,600/- per cent as per the proceedings by the 1st respondent in Na.Ka.357/2006/F2 dated 16.06.2009 to the petitioners as per the representations dated 04.04.2016 and 20.02.2016.

Prayer in WP.Nos.30986 of 2017 and 2249 of 2018:-

These writ petitions are filed praying to issue a writ of Mandamus directing the 2nd respondent to pay the enhanced amount Rs.4,600/- per cent as per the proceedings by the 1st respondent in Na.Ka.357/2006/F2 dated 16.06.2009 to the 1st petitioner as per the representation dated 20.02.2016.

For Petitioners in all : Mr.M.Venkatesh
for Mr.S.Arivazhagan

For Respondents in all : Mr.Akhil Akbar Ali
Wps : Government Advocate
[For R1, R3]

Mr.B.Vivekavanan
[For R2]

COMMON ORDER

1.1. The case of the petitioners is that the petitioners own separate and independent properties in different survey numbers, and that they were acquired under the provisions of the Land Acquisition Act, 1894, for the formation of Sholinganallur neighbourhood scheme by the Housing Board/2nd respondent. An award in A.No.1/1993 dated 15.06.1993 was passed wherein the market price of the property was reckoned at Rs.500/- per cent. The inadequacy of the compensation awarded was tested by a set of land owners in a batch of separate in L.A.O.P.No.426/1993 batch, before Sub-Court, Poonamallee. The Sub Court by its award, had enhanced the compensation amount payable from Rs.500/- to Rs.10,000/- per cent, and this was challenged by the Government in a batch of first appeal commencing with A.S.No.711 of 1995 and this Court vide its judgment and decree dated 18.09.2003 has reduced the market value of the property from Rs.10,000/- to Rs.4,600/- per cent. Thereafter, the 2nd respondent passed its resolution No.806/2 dated 24.06.2004 and also resolved not to prefer further appeal in the matter pursuant to the judgment of this Court in the said first appeal.

1.2. Some of the LAOPs which are pending for disposal before the Sub-Court, Chengalpattu, were disposed of through Lok Adalat

on 22.07.2005. One such case is L.A.O.P.No.112/2001, wherein the Lok Adalat applied the same market value as has been determined by this Court at Rs.4,600/- per cent. Pursuant to the same, the present set of petitioners have moved the District Collector on 23.01.2006 to invoke Section 28A of the Land Acquisition Act and extent parity in payment of compensation to the petitioners. The District Collector has passed an order accepting the petitioners request and directed the payment of compensation at Rs.4,600/- per cent. The grievance now expressed in the affidavit of the petitioners is that the enhanced compensation amount is not yet been paid.

2. Heard Mr.Akhil Akbar Ali, learned Government Advocate appearing for the respondents 1, and 3 and Mr.B.Vivekavanam, learned counsel appearing for the 2nd respondent.

3. The learned counsel for the petitioners submitted that the award in the case pertaining to W.P.Nos.2249 of 2018 and 30986 of 2017 were passed in the name of their father Arjun. Therefore, the amount must be disbursed to this petitioners. He also submitted necessary legal heir certificate has also been enclosed in the typed set of papers.

4. Mr.B..Vivekavanam, learned counsel for the Housing Board made a statement on instruction from Mr.Jayakumar, Special Tahsildar, Land Acquisition, Tamil Nadu Housing Board with the Government Order and taken a decision to address the pending claims of various land owners who are also part of the order of the District Collector under Section 28A of the said Act and the process of mobilising the requisite funds to meet the requirements at hand. The statement of the 2nd respondent is recorded.

5. In view of the fact that the authority concerned have woken up to the demands of the circumstances, this Court consider it appropriate to direct the respondents to make necessary payments payable to the petitioners pursuant to the order of the District Collector dated 26.07.2010 within a period of three months from the date of receipt of a copy of this order. With the above direction, this petition is disposed of. No costs.

Post the case for reporting compliance on 07.09.2018.

Sd/-
Asst.Registrar (CCC)

/true copy/
Sub Asst. Registrar

ssn

To

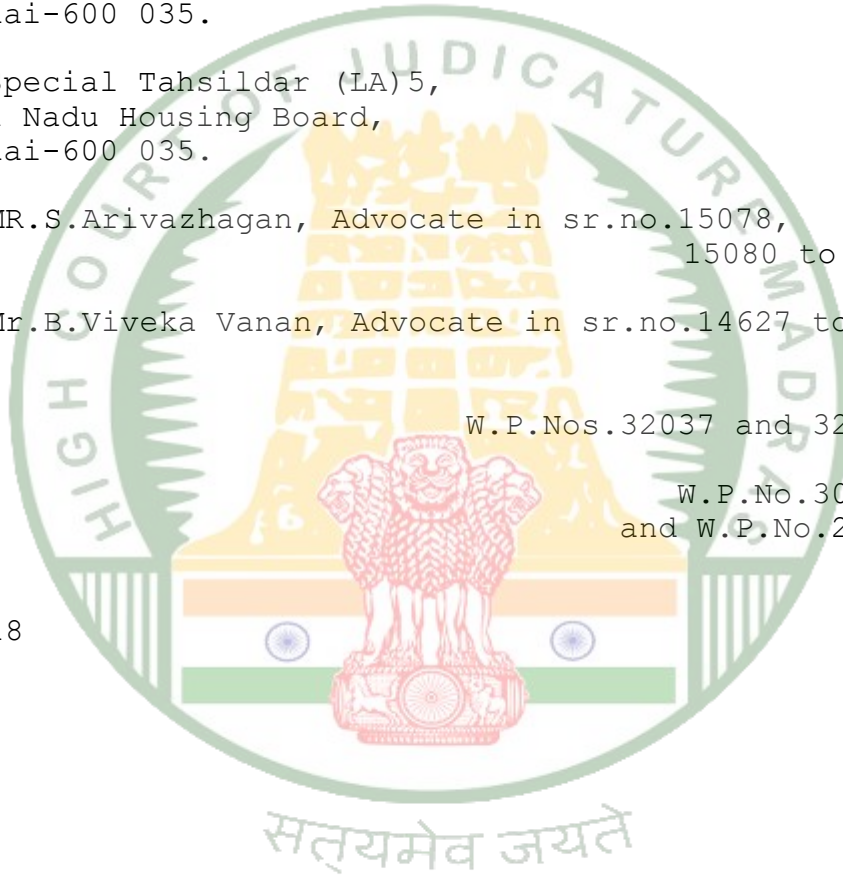
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4. The Special Tahsildar (LA)5,
Tamil Nadu Housing Board,
Chennai-600 035.

+4ccs to MR.S.Arivazhagan, Advocate in sr.no.15078,
15080 to 15082

+4ccs to Mr.B.Viveka Vanan, Advocate in sr.no.14627 to 14629,
14631

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W.P.No.30986 of 2017
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NM(CO)
CS/25/05/18



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