

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:15.03.2018

CORAM :

THE HON'BLE Mr.JUSTICE N.SESHASAYEE

W.P.No.3293 of 2016

1.J.Rathna Kumar
2. Naveena Kumari
3. J.Myvanna Kumar
4. J.Madhava Kumar
5. J.Mohan Kumari

... Petitioners

Vs.

1.Government of Tamil Nadu,
Represented by The Secretary,
SC/ST Welfare Department,
Chennai-9.

2. The Special Tahsildar, (ADW),
Thiruppatur, Vellore District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Declaration that the land acquisition proceedings initiated in respect of their land has lapsed and consequently the respondents have to be directed to return the lands with extent of 1.07.0 hectares, 2.60 acres, bearing Government Survey No.47/1A, Jolarpettai Village, Jolarpet Sub-Registrar Office, Tiruppattur Taluk, Vellore District to the petitioners.

For Petitioners : Mr.R.Subramanian

For Respondents : Mr.M.Karthikeyan

Government Advocate [for R1 &R2]

O R D E R

The petitioners' have come before this Court alleging that their lands originally belonged to their father Janaki Rama Reddy, since deceased, and the same was acquired by the Government and an award was passed in the year 2004, challenging which the petitioners' father sought an enhancement and the same is now enhanced at Rs.20,95,446.81. This was further challenged in S.A. (S.R.)No.30245 of 2007 before this Court with a delay of 886 days, but this Court Vide its order dated 29.11.2007 refused to condone the delay and dismissed the same. Thereafter, the petitioner had filed Execution Petition in R.E.P.No.35 of 2013 in L.A.A.No.15 of 2004 before the Special Court (LAOP), Vellore. The amount payable as on date for Execution Petition is Rs.73,17,880.33 which would carry interest till its payment.

This amount is till growing and as on 12.07.2017, the sum due is Rs.93,14,078/- and this amount was due to be paid, against which a sum of Rs.81,05,315/- has been paid and the balance amount is yet to be paid. The present petition is filed only for a direction to the authorities to offer an obligation to pay the petitioners arising out of the decree of the Court in L.A.A.No.15 of 2004.

2. Objections with calculation memo was filed. Mr.M.Karthikeyan, the learned Additional Government Pleader appearing for the respondents submitted that the respondents have addressed the Government about this.

3. The degree of apathy and callous indifference which the authorities put on display chill and freeze the conscience of the right thinking. Here is the decree of the Court for payment of Rs.20.95 lakhs and here is the Government which has gone to pay something which is almost 450% more, and with its continued default there is an imminent possibility of this percentage growing. So much about the financial discipline of the Government and the style of financial management of the public funds by the bureaucracy.

4. The respondents are directed to make the balance payment within a period of three months from the date of receipt of a copy of this order. If there will be any dispute as to the quantum amount actually payable, the Execution Court should resolve the dispute.

5. The Chief Secretary, Government of Tamil Nadu, is directed to look into the issue and to hold an internal / Departmental enquiry and to fix the accountability on everyone, both past and the present irrespective of their current ranking in the bureaucratic hierarchy, who is / are responsible for the state of affairs that has visited this case and take appropriate action into what prima facie appears to be financial indiscipline of the highest order in managing public funds.

6. With the above directions, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ssn

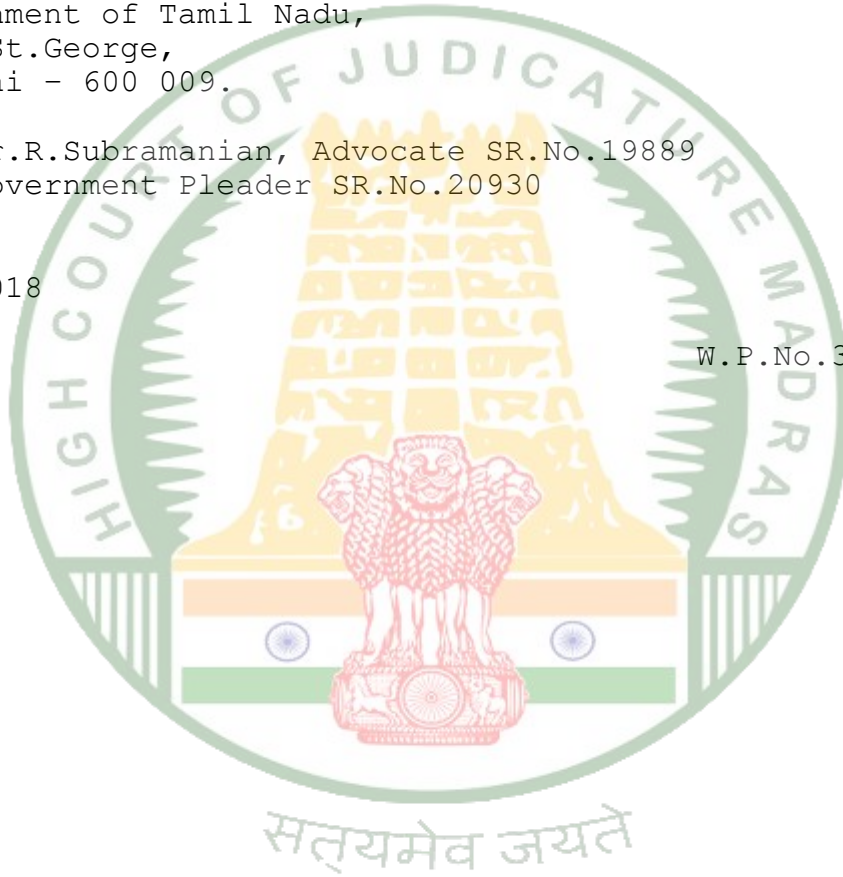
To:

- 1.The Secretary,
Government of Tamil Nadu,
SC/ST Welfare Department,
Chennai-9.
2. The Special Tahsildar, (ADW),
Thiruppur, Vellore District.
3. The Chief Secretary,
Government of Tamil Nadu,
Fort St.George,
Chennai - 600 009.

+1cc to Mr.R.Subramanian, Advocate SR.No.19889
+1cc to Government Pleader SR.No.20930

BR(CO)
sm:20.4.2018

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