

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.01.2018

CORAM

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

W.P.No.39666 of 2016
& WMP.No.33938 of 2016

Srinivasa Iyer

... Petitioner

Versus

1.The District Collector,
Vellore District, Vellore.

2.The Special Tahsildar,
Land Acquisition,
Adi Dravidar Land Department,
Tirupattur, Vellore District.

... Respondents

PRAYER: Writ petitions filed under Article 226 of the Constitution of India praying for issuance of Writ of Ceritorari calling for the entire records in pursuant to the proceedings issued by the 1st respondent vide Na.Ka.Kaa.10/10221/87 dated 23.01.2016 and quash the same.

For Petitioner : Ms.M.Sangeetha

For Respondents : Mr.Akhil Akbar Ali,
Government Advocate

ORDER

The present petition is filed by the petitioner seeking the respondents to pay the compensation in terms of the decree of this Court passed in A.S.No.205/2000.

2. The facts that are essential for disposing of this matter may be briefly stated. The petitioner owned 2.48 acres in S.No.120/2, Pachal Village, Thirupattur Taluk, Vellore District, and this was acquired for some public purpose under the provisions of Land Acquisition Act, 1894. Dissatisfied with the amount of compensation awarded, the petitioner sought a reference under Section 18 of the said Act, that a reference too

was made and was taken on file in LAOP.No.11/1996, wherein the reference Court has enhanced the compensation to Rs.12/- per sq.ft. There was a further appeal in A.S.No.205 of 2000 of this Court, wherein this Court has further enhanced the compensation to Rs.17/- per sq.ft. Thereafter, the petitioner filed EP.No.5 of 2015 in LAOP.No.11/1996 wherein the petitioner has claimed Rs.78,13,266/- in terms of the decree this Court passed in A.S.No.205/2000, along with accrued interest. According to the petitioner, the respondents, as per the proceedings of the 1st respondent dated 23.01.2016, have reduced the amount of compensation payable at Rs.74,59,107/-. Since the amount quoted as payable by the 1st respondent in said proceedings is less by Rs.3,61,184/- (Rs.78,20,291-Rs.74,59,107), the petitioner has approached this Court and seeks a direction to the 1st respondent to call for the proceedings issued dated 23.01.2016 and quash the same.

3. Heard both sides. The fact that merits consideration in this case is one for the Execution Court to resolve and that job cannot be entertained by this Court herein. However, the cause of action for the entire proceedings has commenced some twenty years back, and hence this Court considers it appropriate to direct the Execution Court to resolve the issue as to the amount payable by the respondent to the petitioner in terms of AS.No.205/2000 within a time to be stated.

4.This Court, therefore, modifies the prayer and directs the Sub Court, Thirupathur, to decide on the amount payable by the 1st respondent to the petitioner in terms of the decree passed in A.S.No.205/2000 in EP.No.5 of 2015 in LAOP.No.11/1996 within one month from the date of receipt of a copy of this order. In the mean time, the respondents are directed to pay or deposit the amount payable in the Sub Court, Thirupathur, which they may have to deposited even as per their calculation. With the above direction writ petition stands disposed of. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1.The Sub Judge,
Tirupattur.

2.The District Collector,
Vellore District, Vellore.

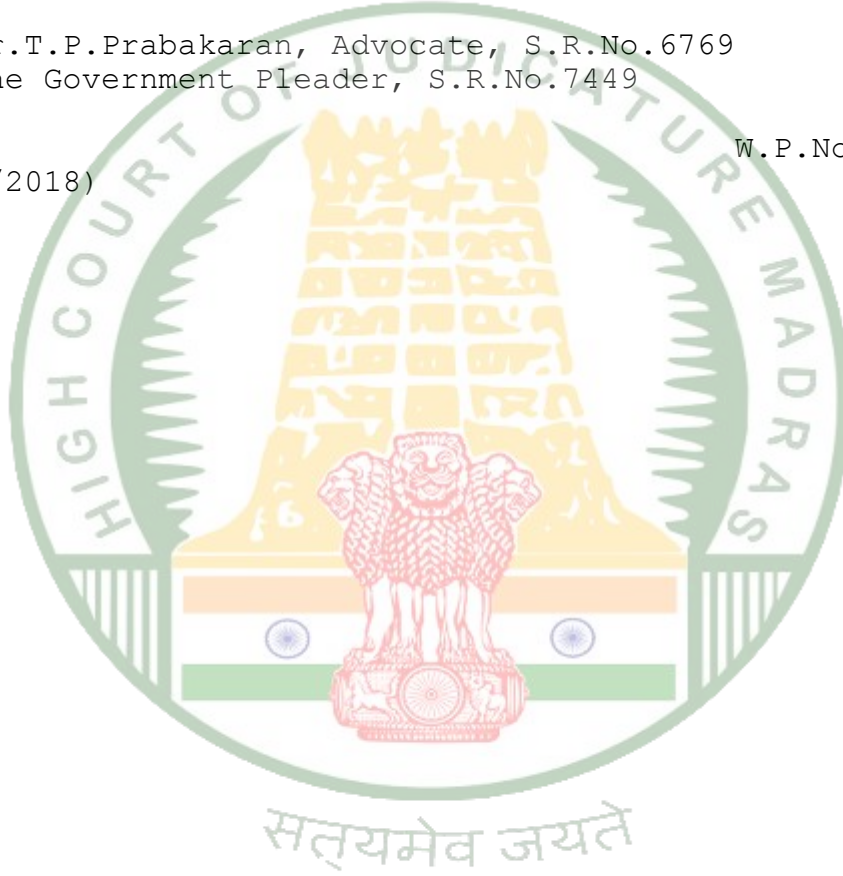
3.The Special Tahsildar,
Land Acquisition,
Adi Dravidar Land Department,
Tirupattur, Vellore District.

+1cc to Mr.T.P.Prabakaran, Advocate, S.R.No.6769

+1cc to the Government Pleader, S.R.No.7449

W.P.No.39666/2016

RRK(08/03/2018)



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