

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.10.2018

C O R A M

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

Writ Petition Nos.26485 & 26492 of 2018

S.TamilSelvi ... Petitioner in W.P.No.26485 of 2018

M.Palaniyammal ... Petitioner in W.P.No.26492 of 2018

Vs.

1. The District Collector,
Erode District,
Erode - 638 011.

2. The Special Officer,
Land Acquisition Project,
Neighbourhood Scheme,
Erode - 638 009.

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

... Respondents in both the WPs

COMMON PRAYER: Writ Petitions are filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the second and third respondents to pay the enhanced compensation along with the accrued interest in respect of S.F.No.763/3 and S.F.No.763/4 Erode 'C' Kasipalayam Village, Erode Taluk & District to the concerned land owners as per the orders of the 1st respondent passed under Section 28A of the Land Acquisition Act 1894 vide his Office Proceedings in Na.Ka.No.1630/1990 Aa1, dated 18.06.2016.

For Petitioners : Mr.M.Guruprasad

For Respondents : Mr.M.Elumalai for R1 & R2,
Government Advocate.

: Mr.R.V.Babu for R3,
Standing Counsel.

C O M M O N O R D E R

The Writ Petitions have been filed seeking the direction to the 1st respondent to pay the enhanced compensation amount to the petitioners.

2. The grievance of the petitioners are that, earlier the 1st respondent has passed an order under Section 28(A) of the Land Acquisition Act, enhancing the compensation amount based on the order passed under Section 18 of the Land Acquisition Act, in respect of neighbouring land owner. Even though the order has been passed on 18.06.2016, so far the amount is not paid to the petitioners, hence the present Writ Petitions have been filed.

3. The learned Counsel appearing for the respondents submitted that the land has been acquired for the Tamilnadu Housing Board and the Tamilnadu Housing Board being the beneficiary, so far they have not deposited the amount. If, the Tamilnadu Housing Board deposits the amount, they will be in a position to pay the compensation to the petitioners.

4. The learned Counsel appearing for the 3rd respondent / Tamilnadu Housing Board, submitted that they will deposit the amount within a period of eight weeks from today.

5. Considering such circumstances, the Tamilnadu Housing Board is directed to deposit the compensation amount, within a period of eight weeks from today. Thereafter, on deposit of such amount the 1st respondent is directed to pay the enhanced compensation amount to the petitioners within a period of four weeks.

6. The Writ Petitions are disposed of with the above direction. No Costs.

Sd/-

Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

msvm

To

1. The District Collector,
Erode District,
Erode - 638 011.

2. The Special Officer,
Land Acquisition Project,
Neighbourhood Scheme,
Erode - 638 009.

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

+1cc to Mr.M.Guruprasad, Advocate SR.No.73565

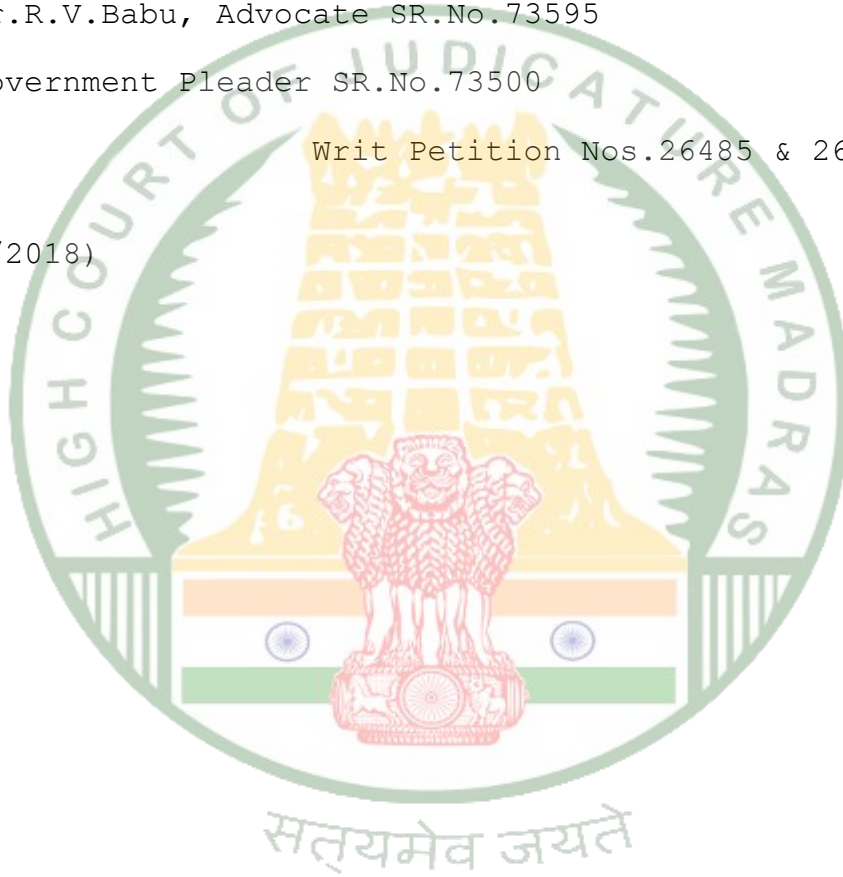
+1cc to Mr.R.V.Babu, Advocate SR.No.73595

+1cc to Government Pleader SR.No.73500

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PA(CO)

GMV (28/11/2018)



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