

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No.26313 of 2018

1.R.M.Chinnusamy
2.Ayyasamy
3.Chandrasekar
4.C.Susila

... Petitioners

Vs

1.The District Collector,
Erode District, Erode.
2.The Revenue Divisional Officer,
Erode, Erode District.
3.The Executive Engineer,
Tamil Nadu Housing Board,
Neighbourhood Scheme,
Surampatti Nall Road, Erode.

.... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to disburse the compensation to the tune of Rs.41,06,318/- together with interest 15% from the date of order passed by the 1st respondent in his proceedings No.Na.Ka.5608/2017/B1, dated 27.04.2017 till the compensation being paid by the respondents to the petitioners.

For Petitioners : Mr.C.Prakasam

For Respondents : Mr.M.Elumalai, Government
Advocate for R1
Mr.R.V.Babu, Standing Counsel
for R2 and R3

O R D E R

The writ petition has been filed seeking direction to the respondents to disburse the compensation amount payable to the petitioners.

2. The grievance of the petitioners is that the petitioners' land was acquired by the Tamil Nadu Housing Board for implementation of the housing scheme. Earlier an award has been passed in the year 1995, thereafter, some of the neighboring land owners sought for enhancement of compensation under Section 18 of the Land Acquisition Act. On their application, the award was also enhanced. Thereafter, the petitioners filed an application under Section 28-A of the Land Acquisition Act seeking for a similar enhancement that was also ordered by the 1st respondent on 27.04.2017, by enhancing the compensation to Rs.41,06,318/-. So far, the amount is not paid, hence, the present writ petition is filed.

3. Earlier notice was ordered to the respondents, upon notice, today, on instruction the learned Government Pleader submitted that the 3rd respondent, Housing Board who is the beneficiary in the acquisition proceedings has not disbursed the amount so far, on Housing Board disbursing the amount, the same will be disbursed to the petitioners.

4. Considering the facts and circumstances of the case, the 3rd respondent, Housing Board, who is the beneficiary in acquisition proceedings is directed to deposit the amount within a period of six (6) weeks from the date of receipt of a copy of the order on accepting the amount, the 2nd respondent is directed to disburse the compensation amount to the petitioners within a period of three (3) weeks thereafter.

5. With the above directions, this Writ Petition is disposed of. No costs.

s/d-

Assistant Registrar (CS VIII)

True Copy

Sub-Assistant Registrar

dsa
To

1. The District Collector,
Erode District, Erode.

2. The Revenue Divisional Officer,
Erode, Erode District.

3. The Executive Engineer,
Tamil Nadu Housing Board,
Neighbourhood Scheme,
Surampatti Nall Road, Erode.

+1 CC to Mr.C. Prakasam, Advocate sr 69588.
+1 CC to Govt. Pleader sr 70165.

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VBA (CO)
SP(11/10/2018)



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