

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P. 26796 of 2018

N.Satish Kumar

... Petitioner

Vs

1. The Government of Tamil Nadu,
rep. by Secretary to Government,
Industries Department,
Fort St. George, Secretariat,
Chennai-600 009.
2. The Chennai Metro Rail Limited,
rep. by its Chairman,
Administrative Office,
Chennai Metro Rail Depot,
Poonamallee High Road,
Koyambedu-600 107.
3. The Land Acquisition Officer/Revenue
Divisional Officer,
Tondiarpet
Chennai-600 021.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent to forthwith pay the compensation to the petitioner for the acquisition of the land of the petitioner of an extent of 1394 sq.ft. In Block No.41, T.S.No.2561 in Tondiarpet Village, Chennai as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act and immediately pay the petitioner the amount, which has already been deposited by the 3rd respondent to the tune of Rs.97,36,936/-.

For Petitioner : Ms.A.L.Ganthimathi

For Respondents : Mr.M.Elumalai,
Government Advocate

ORDER

This Writ Petition has been filed directing the respondents to pay the compensation to the petitioner for the lands acquired by them.

2. The grievance of the petitioner is that without paying the compensation, the respondents are now taking possession of the land, and also demolishing the house, despite the order passed by this Court directing the respondents not to take possession without paying the compensation.

3. Mr.M.Elumalai, the learned counsel appearing for the respondent submitted that now, an interim award has already been passed, since the petitioner was not able to produce the original sale deed, the compensation amount was deposited before the VI Asst. City Civil Court, Chennai. If the petitioner is able to produce the original sale deed before the concerned court, the petitioner may be permitted to withdraw the amount already deposited by the respondents. So far as the final award is concerned, the compensation amount has to be deposited by the requisitioning body viz., the 2nd respondent, and only after the award amount is deposited, they will be in a position to pay the compensation.

4. Considering the above circumstances, so far as the interim award already deposited before the City Civil Court is concerned, the petitioner is directed to appear before the Civil Court, and file an application to withdraw the amount, and produce the original sale deed. On producing the original sale deed, the learned VI Asst. City Civil Court, Chennai is directed to permit the petitioner to withdraw the amount already deposited by the respondents. So far as the final award is concerned, the 2nd respondent is directed to pass the final award under the Act 30 of 2013, within a period of six weeks from the date of receipt of the copy of this order. Thereafter, the 2nd respondent is directed to deposit the award amount within a period of six weeks from the date of passing final award, and after the deposit of the award amount, the 3rd respondent is directed to disburse the award amount to the petitioner within a period of three weeks from the date of deposit.

5. With the above observation, the present Writ Petition is closed. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

rpp

To

1. The Secretary to Government,
Government of Tamil Nadu,
Industries Department,
Fort St. George, Secretariat,
Chennai-600 009.

2. The Chairman,
Chennai Metro Rail Limited,
Administrative Office,
Chennai Metro Rail Depot,
Poonamallee High Road,
Koyambedu-600 107.

3. The Land Acquisition Officer/Revenue
Divisional Officer,
Tondiarpet
Chennai-600 021.

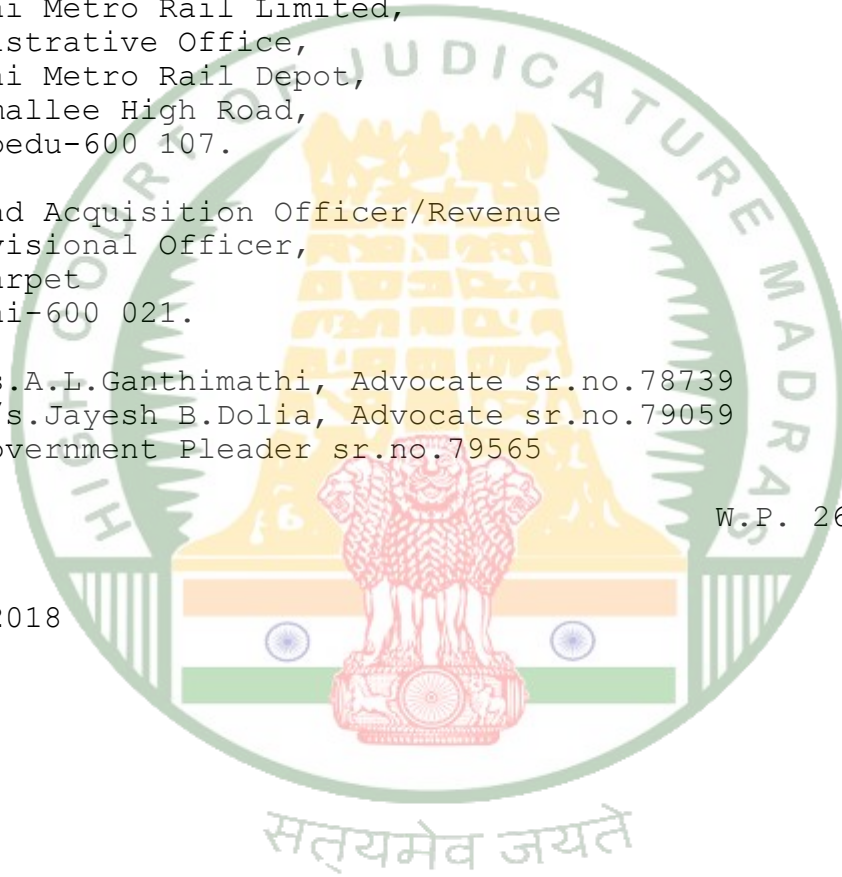
+1cc to Ms.A.L.Ganthimathi, Advocate sr.no.78739

+1cc to M/s.Jayesh B.Dolia, Advocate sr.no.79059

+1cc to Government Pleader sr.no.79565

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mp(co)
nr 13/12/2018



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