

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P. No. 27747 of 2018

M.Palraj

... Petitioner

Vs.

The Collector of Chennai,
Rajaji Salai,
Chennai-600 001.

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent to pay enhanced compensation as per award in L.A.O.P.No.45 of 2014 dated 12.09.2015 at Rs.2000/- per sq. ft. 30% solatium and 12% additional market value from 18.12.2003 to 21.10.2009, 9% interest on the aggregated compensation amount for the year from 21.10.2009, and thereafter 15% till the entire compensation amount is deposited or order direction in the nature of writ.

For Petitioner : Mr.G.Appavu

For Respondent : Mr.M.Elumalai,
Government Pleader

सत्यमेव जयते
O R D E R

This Writ Petition has been filed seeking for a direction to the respondent to enhance the compensation as per the order passed in L.A.O.P.No. 45/2014 dated 12.09.2015.

2. According to the petitioner, his land was acquired under the State Highways Act (hereinafter called as 'Act'), and the award was passed in the year 2009. Not being satisfied with the award, the petitioner has sought for reference under Sec.18 of the Act. Subsequently, on reference, the Reference Court has enhanced the compensation vide judgment dated 12.09.2015. But, so far, the enhanced compensation was not paid to the

petitioner. Hence, the present Writ Petition has been filed by the petitioner.

3. Earlier, when the matter was taken up for hearing, the learned counsel appearing for the respondent has submitted that challenging the judgment already passed in L.A.O.P., the respondent has filed an appeal before this Court with delay and the same is pending. Hence, the matter was adjourned to today. Today, the learned counsel appearing for the respondent submitted that so far, the appeal was not so far numbered and it is still in the SR stage.

4. The judgment was delivered in the L.A.O.P. as early as on 02.09.2015, for the past three years, the respondent not even get the appeal numbered, and kept it pending. In the said circumstances, the respondent is directed to pay the compensation as enhanced in L.A.O.P.No.45 of 2014, within a period of three months from the date of receipt of the copy of this order. In the result, the present Writ Petition stands disposed of with the above direction. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

rpp

To

The Collector of Chennai,
Rajaji Salai,
Chennai-600 001.

+1 cc to Mr.G.Appavu, Advocate Sr.No.85546
+1 cc to The Government Pleader, Sr.No.85869

W.P. 27747 of 2018

CSL/25.01.2019

WEB COPY