

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATE: 30.01.2018

CORAM

THE HONOURABLE MR. JUSTICE V. BHARATHIDASAN**W. P. (MD) .No.11013 of 2014**

Kandan

... Petitioner

-Vs-

1. The Secretary to Government,
Housing Board,
Fort St. George,
Chennai-9.
2. The Managing Director,
Tamil Nadu Housing Board,
No.493, Anna Salai,
Nanthanam,
Chennai.
3. The Executive Engineer
cum Executive Officer,
Tamil Nadu Housing Board,
Madurai Housing Unit,
Ellis Nagar,
Madurai.
4. The District Collector,
Madurai District,
Madurai.
5. The Special Tahsildar (land Acquisition),
North Neighbourhood Project,
Ellis Nagar,
Madurai-10.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the second respondent to pass an appropriate order as per the proceedings of the fourth respondent passed in Na.Ka.No.48503/2011/B.2 dated 20.09.2011 and consequently direct the respondent Nos.2 and 4 to disburse the enhanced award amount as per the decree and judgment dated 02.05.1991 passed in L.A.O.P.No.85 of 1988 by the Sub Court, Madurai within the time stipulated by this Court.

For Petitioner	:	Mr.V.R.Venkatesan
For R1, R2 & R4	:	Mrs.J.Padmavathi Devi, Special Government Pleader
	:	Mr.M.Saravanan

**O R D E R**

The petitioner has filed this writ petition for a direction to the second respondent to pass appropriate orders to disburse the enhanced award amount payable to the petitioner.

2. According to the petitioner, his land was acquired by the fourth respondent for the North Neighbourhood Project, Madurai. Thereafter, award was passed on 18.03.1982. Subsequently, the matter was referred under Section 18(1) of the Tamil Nadu Land Acquisition Act to the Sub Court, Madurai in L.A.O.P.No.85 of 1988. On 02.05.1991, the Sub Court, Madurai has passed an award enhancing the amount from Rs.50/- per cent to Rs.550/- per cent. Even though the order was passed on 02.05.1991, so far the award amount has not been disbursed to the petitioner. Hence, the petitioner has filed the present writ petition.

3. When the matter is taken up for hearing today, the learned Special Government Pleader filed a counter stating that after the award passed by the Sub Court, Madurai in L.A.O.P.No.85 of 1988, the fourth respondent has deposited a sum of Rs.83,354/- before the Sub Court, Madurai in Cheque No.275970 dated 31.12.2013 and the petitioner without withdrawing the amount, has filed the present writ petition.

4. Considering the above fact that the enhanced compensation amount has already been deposited before the Sub Court, Madurai in LA.O.P.No.85 of 1988, the petitioner is permitted to withdraw the same by filing necessary application before the concerned Court.

5. With the above direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(cs-III)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
Housing Board,
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Chennai-9.

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Tamil Nadu Housing Board,
Nandanam Salai,
Nanthanam, Chennai.



3. The Executive Engineer
cum Executive Officer,
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Ellis Nagar,
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4. The District Collector,
Madurai District,
Madurai.

5. The Special Tahsildar (land Acquisition),
North Neighbourhood Project,
Ellis Nagar,
Madurai-10.

+1cc to Mr.S.Nagarajan, Advocate Sr.No.45088

AKV

VB/SKN/RSK/SAR4/23.02.2018/3P/7C

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