

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2019

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.18047 of 2008

and

M.P.No.2 of 2011

1.T.E.Sadagopan (deceased)

2.T.E.Vijayalakshmi

W/o.Late T.E.Sadagopan

3.T.E.Parathasarathy

S/o.Late T.E.Sadagopan

(P2 & 3 substituted as LRS of deceased
petitioner, as per order dated 10.03.2011

by TRJ in M.P.No.1/2011 in W.P.No.18047/2008)Petitioners

Vs.

1.The Collector

Office of the Collectorate

Cuddalore District

Cuddalore-1

2.District Revenue Officer

Cuddalore District

Cuddalore-1

3.Special Tahsildar

Adi-Dravidar Welfare

Cuddalore-1

... Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents to refer the proceedings No.8/85-86 to the Land Acquisition Court at Cuddalore under Section 18 of the Land Acquisition Act, and direct the respondents to pay the award amount of Rs.56,300.80 together with interest at 18% per annum from 31.03.1986 till date of payment without prejudice to the Petitioner's claim to seek enhancement of compensation.

For Petitioner : Mr.S.K.Rakhunathan

For Respondents : Mr.M.Elumalai
Government Advocate

O R D E R

The writ petition has been filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents to refer the proceedings No.8/85-86 to the Land Acquisition Court at Cuddalore under Section 18 of the Land Acquisition Act, and direct the respondents to pay the award amount of Rs.56,300.80 together with interest at 18% per annum from 31.03.1986 till date of payment without prejudice to the Petitioner's claim to seek enhancement of compensation.

2.The learned counsel appearing for the petitioners would submit that the respondents herein acquired an extent of 1.31.5 Hectres in S.No.52/2 in K.N.Pettai Village, Hamlet of Thiruvandhipuram for providing house sites patta for Adi Dravidars. 4(1) Notification under the Provisions of the Land Acquisition Act 1894 came to be published on 20.06.1985. Thereafter, after an enquiry under Section 5-A of the Act, a Declaration under Section 6 of the Land Acquisition Act, was published on 13.3.1986. The 3rd respondent herein seems to have conducted an Award Enquiry and it seems an award came to be passed in 8/85-86 on 31.3.1986. The copy of the award was not served on the petitioner required under the Provisions of the Land Acquisition Act, 1894 to enable the petitioner to make a request for referring the case to the court under Section 18 of the Land Acquisition Act.

3.Thereafter, the petitioner issued a legal notice to the 3rd respondent demanding the certified copy of the award in proceedings No.8/85-86 and also to pay the compensation amount of Rs.56,300.80 with interest thereon as awarded by the 3rd respondent. Since the respondents failed to pay or deposit the compensation amount in court, the petitioner demanded the compensation under the said notice to refer the matter to the court under Section 18 of the Land Acquisition Act. The respondent thereafter furnished the certified copy of the award on 15.5.2008 and found that the respondents are bound to pay a compensation amount of Rs.56,300.80 as awarded by the Land Acquisition Authority. However, till date the same had not been deposited in Court or paid over to the petitioner. As the petitioner is entitled to higher compensation on the materials

that are available as on the date of the 4(1) of the Notification, the petitioner is entitled to have a direction issued to the respondent to refer the case to the Land Acquisition Court. Hence, this petition.

4.The learned Government Advocate, appearing for the respondents produced the letter dated 11.07.2018, from the Special Thasildar (Adi Dravidar Welfare), Cuddalore-1. The letter states that since the petitioner had refused to accept the awarded compensation amount of Rs.56,300.80, the same has been deposited in the Cuddalore Branch Treasury. The case filed by the petitioner demanding the compensation amount with interest at the rate of 18% from the date of land acquisition viz. 31.03.1986 is still pending. The acquired land from the petitioner in S.No.52/2 has already been allotted to 56 beneficiaries. In the meanwhile, the petitioner died and his legal heirs have not received the compensation amount yet. Hence, the petitioners shall be directed to approach the jurisdictional court to get the compensation amount deposited in the Cuddalore Branch Treasury.

5.The relief sought for in the writ petition is to direct the the respondents to refer the proceedings No.8/85-86 to the Land Acquisition Court at Cuddalore under Section 18 of the Land Acquisition Act, and direct the respondents to pay the award amount of Rs.56,300.80 together with interest at 18% per annum from 31.03.1986 till date of payment without prejudice to the Petitioner's claim to seek enhancement of compensation. Though the writ petition is pending from 2008, till date no counter was filed. However, the learned Government Advocate produced a copy of the letter dated 11.07.2018 signed by the Special Tahsildar, Adi Dravidar Welfare, Cuddalore and it shows that the petitioner has refused to accept the awarded compensation and the same has been deposited in the Cuddalore Treasury. It is also admitted fact that the award was passed on 31.03.1986, however, the respondent furnished the certified copy of the award on 15.05.2008. Thereafter, the petitioner made representation for payment of compensation. The said letter also reveals that the petitioner has not yet withdrawn the amount. Hence, this Court is inclined to issue direction to the respondent to draw demand draft in the name of the petitioners within a period of six weeks from the date of receipt of a copy of the order and further the Land Acquisition Officer is directed to refer the matter to the Jurisdictional Court for apportionment of compensation.

6.With the above direction the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

1.The Collector
Office of the Collectorate
Cuddalore District
Cuddalore-1

2.District Revenue Officer
Cuddalore District
Cuddalore-1

3.Special Tahsildar
Adi-Dravidar Welfare
Cuddalore-1

+1cc to Mr.S.K.Rakhunathan, Advocate SR.No.46074

W.P.No.18047 of 2008
and
M.P.No.2 of 2011

AD (CO)
GMY (02/07/2019)

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