

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2019

CORAM:

THE HONOURABLE MR. JUSTICE T. RAJA

Writ Petition Nos.18403 and 18404 of 2013

W.P.No.18403 of 2013

K.Ramasamy ... Petitioner

Vs

The Authorized Officer,
Special District Revenue Officer (LA),
N.H.68, Salem Unit,
6/458, Udayapatty Bye-pass Road,
Opposite to E.B. Office,
Salem-636 014. ... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent herein to pay compensation for the i) Vacant House Site comprised in Old S.No.424/3, T.S.No.7/1, Ammapet Village, measuring 156 sq.m. Ward AL, Block No.43, within the jurisdiction of Joint Sub-Registrar Office No.I, Salem, Salem Taluk; ii) Vacant House site comprised in Old S.No.424/3 T.S.No.10, Ammapet Village measuring 114.5 sq.m. Ward AL, Block No.43, within the jurisdiction of Joint Sub-Registrar Office No.I, Salem, Salem Taluk; iii) Vacant House Site comprised in Old S.No.424/3, T.S.No.11, Ammapet Village, measuring 338 sq.m. Ward AL, Block No.43 within the jurisdiction of Joint Sub-Registrar Office No.I, Salem, Salem Taluk iv) Vacant House site comprised in Old S.No.424/3, T.S.No.22/1, Ammapet Village measuring 10 sq.m. Ward AL, Block No.43, within the jurisdiction of Joint Sub-Registrar Office No.I, Salem, Salem Taluk and v) Vacant House Site comprised in Old S.No.424/3, T.S.No.30, Ammapet Village measuring 140 sq.m. Ward AL, Block No.43 within the jurisdiction of Joint Sub-Registrar Office No.I, Salem, Salem Taluk acquired from the petitioner.

For Petitioner : Mr.K.V.Shanmuganathan

For Respondent : Mr.M.Elumalai, G.A.

W.P.No.18404 of 2013

Poomalai

... Petitioner

Vs

The Authorized Officer,
Special District Revenue Officer (LA),
N.H.68, Salem Unit,
6/458, Udayapatty Bye-pass Road,
Opposite to E.B. Office,
Salem-636 014.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent herein to pay compensation for the vacant house site comprised in Old S.No.424/3, Re-survey No.424/3K, T.S.No.10, Ammapettai Village, measuring 1140 sq.ft. Ward AL, Block No.43 within the jurisdiction of JSRO No.1, Salem, Salem Taluk acquired from the petitioner.

For Petitioner : Mr.K.V.Shanmuganathan

For Respondent : Mr.M.Elumalai, G.A.

C O M M O N O R D E R

The Writ Petition in W.P.No.18403/2013 has been filed seeking to issue a Writ of Mandamus, directing the respondent herein to pay compensation for the i) Vacant House Site comprised in Old S.No.424/3, T.S.No.7/1, Ammapet Village, measuring 156 sq.m. Ward AL, Block No.43, within the jurisdiction of Joint Sub-Registrar Office No.I, Salem, Salem Taluk; ii) Vacant House site comprised in Old S.No.424/3 T.S.No.10, Ammapet Village measuring 114.5 sq.m. Ward AL, Block No.43, within the jurisdiction of Joint Sub-Registrar Office No.I, Salem, Salem Taluk; iii) Vacant House Site comprised in Old S.No.424/3, T.S.No.11, Ammapet Village, measuring 338 sq.m. Ward AL, Block No.43 within the jurisdiction of Joint Sub-Registrar Office No.I, Salem, Salem Taluk iv) Vacant House site comprised in Old S.No.424/3, T.S.No.22/1, Ammapet Village measuring 10 sq.m. Ward AL, Block No.43, within the jurisdiction of Joint Sub-Registrar Office No.I, Salem, Salem Taluk and v) Vacant House Site comprised in Old S.No.424/3, T.S.No.30, Ammapet Village measuring 140 sq.m. Ward AL, Block No.43 within the jurisdiction of Joint Sub-Registrar Office No.I, Salem, Salem Taluk acquired from the petitioner.

2. The Writ Petition in W.P.No.18404/2013 has been filed seeking to issue a Writ of Mandamus, directing the respondent herein to pay compensation for the vacant house site comprised in Old S.No.424/3, Re-survey No.424/3K, T.S.No.10, Ammapettai Village, measuring 1140 sq.ft. Ward AL, Block No.43 within the jurisdiction of JSRO No.1, Salem, Salem Taluk acquired from the petitioner.

3. When the matters were taken up, the learned Government Advocate appearing for the respondent has produced the copies of Awards dated 31.07.2010 passed by the Competent Authority and Special District Revenue Officer (LA), National Highways-68, Salem.

4. A perusal of the awards shows that the value of the lands are determined at Rs.3229/- per Sq.mt. under the provisions of the 3G(3) of the NH Act and accordingly, the amount of compensation payable for an extent of 114.5 Sq.mt. of land as per the sale deed under acquisition is worked out.

5. It is, at this stage, the learned Government Advocate appearing for the respondent would submit that earlier, since there was a dispute with regard to the title as to whether the land is a Government Poramboke or private land, the respondent has not deposited the compensation amount, however, now the respondent is ready to deposit the compensation amount within the time stipulated by this Court.

6. Considering the submission made by the learned Government Advocate, two weeks time is granted to the respondent to deposit the entire award amount and if any such amount is deposited, it is for the petitioners to work out their remedy in the manner known to law.

7. With the above direction and observation, the Writ Petitions are disposed of. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

The Authorized Officer,
Special District Revenue Officer (LA),
N.H.68, Salem Unit,
6/458, Udayapatty Bye-pass Road,
Opposite to E.B. Office,
Salem-636 014.

+1cc to M/s.K.V.Shanmuganathan, Advocate Sr.91205
+1cc to the Government Pleader Sr.91524

W.P.Nos.18403 & 18404/2013

rsv[col]
srg 09/12/2019



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