

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.22829 and 22830 of 2010

- 1.A.K.M.Farook (Deceased)
- 2.Syed Sunaisha
- 3.Samir Ahmed Moideen
- 4.Aishath Mariam Sahidha
- 5.Minath Fathima
- 6.Amjadha
- 7.Arshadha
- 8.Mohamed Yusuf

(P2 to P8 are substituted as LRs
of deceased P1 A.K.M.Farook,
as per order dated 6.8.18 by RMDJ
in WMP.23856/18 in WP 22829/10)

... Petitioners in W.P.No.22829/2010

Sanjay Srinivas
Rep. by Power Agent
Mr.A.K.M.Farook

... Petitioner in W.P.No.22830/2010

Vs.

- 1.Competent Authority and Special
District Revenue Officer (LA)
National Highways,
Kancheepuram and Thiruvallur Districts,
Kancheepuram.

- 2.The Special Thasildar (LA)
Unit - 2,
National Highways Scheme
Thiruvallur District,
Poonnamallee.

- 3.The Project Director,
National Highways Authority of India,
Guindy,
Chennai - 600 032.

... Respondents in both W.Ps.

Prayer in W.P.No.22829 of 2010:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents, particularly the respondent no.2 to forthwith pay the sum of Rs.8,17,190/- being the compensation for land acquisition payable to the petitioner for acquisition of his lands measuring 46 sq.mtrs. comprised in Survey No.22/2B5 Nerkundrum Village, Ambattur Taluk, Thiruvallur District.

Prayer in W.P.No.22830 of 2010:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents, particularly the respondent no.2 to forthwith pay the sum of Rs.6,39,540/- being the compensation for land acquisition payable to the petitioner for acquisition of his lands measuring 46 sq.mtrs. comprised in Survey No.22/2B5 Nerkundrum Village, Ambattur Taluk, Thiruvallur District.

For Petitioner : Mr.P.K.Rajagopal

For Respondents : Mr.M.Elumalai for R1 and R2
Government Advocate
Mr.G.Karthikeyan for R3

C O M M O N O R D E R

The petitioner in W.P.No.22829 of 2010 is the owner of the property and since he died during the pendency of the writ petition, his

legal heirs were brought on record. The petitioner in W.P.No.22830 of 2010 is the power agent of the owner of the property. The case of the petitioners is that their lands were acquired by the National Highways Authority for the purpose of widening of National Highway and award was also passed, however, the petitioners were not paid with the compensation amount. Hence, they filed the writ petitions.

2.The learned counsel appearing for the third respondent would submit that after acquisition, the National Highways Authority of India has deposited the entire compensation amount in the current account of the first respondent and would further submit that after satisfying the requisite conditions, the first respondent has to disburse the amount in favour of the respective land owners.

3.The learned Government Advocate would submit that the National Highways Authority of India released the entire compensation amount, however, one Raniammal who was working as Assistant in the Office of the Special Tahsildar (LA), National

Highways, Poonamallee, misappropriated the compensation amount to the tune of Rs.1,62,49,624/- by changing the names of the individuals in the

demand drafts which was the compensation to be paid to the land owners for acquisition of lands.

4.The learned Government Advocate would further submit that the said Raniammal did not hand over seven demand drafts being the compensation for the lands acquired in Nerkundram and Maduravoyal. Hence, a criminal case in CCB Suburban Cr.No.81/2009 for the offence under Sections 403, 406, 409, 420, 468, 471, 477(A) and r/w.34 of IPC was registered on 27.07.2009 against the said Raniammal and 17 others.

5.The learned Government Advocate would further submit that the Competent Authority and Special District Revenue Officer (LA) has vide letter dated 28.12.2018, requested the Additional Chief Secretary to Government, Highways and Minor Ports Department, to accord necessary sanction for a sum of Rs.50,39,641/- for making payment to the land owners from whom lands were acquired in Nerkundram Village of Ambattur Taluk.

6.In view of the above, this Court directs the respondents 1 and 2 to disburse the amount due to the petitioners within a period of six

weeks from the date of receipt of a copy of this order, failing which, the respondents 1 and 2 shall pay interest at the rate of 24% for each and every day delay till the date of payment.

7.The writ petitions are accordingly disposed of. No costs.

Sd/-

सत्यमेव जयते
Assistant Registrar (CS-IV)

//True copy//

Sub Assistant Registrar

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To

1.Competent Authority and Special
District Revenue Officer (LA)
National Highways,
Kancheepuram and Thiruvallur Districts,
Kancheepuram.

2.The Special Thasildar (LA)
Unit - 2,
National Highways Scheme
Thiruvallur District,
Poonnamallee.

3.The Project Director,
National Highways Authority of India,
Guindy,
Chennai - 600 032.

+1cc to Mr.P.K.Rajagopal, Advocate SR.No.63223

+1cc to Mr.G.Karthikeyan, Advocate SR.No.63184

W.P.Nos.22829 and
22830 of 2010

VG II(CO)
GMY(30/08/2019)



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