

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 27.03.2019

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The Honourable Mr.Justice D.KRISHNAKUMAR

W.P.No.8043 of 2019

and

W.M.P.Nos.8643 & 8645 of 2019

1.N.Saraswathi

2.Venkatesan

...Petitioners

Versus

1.The Principal Chief Secretary,
Adhi Dravidar Welfare Department,
Secretariat, St.George Fort,
Chennai - 600 009.

2.The Director,
Adhi Dravidar Welfare Department,
Chepauk,
Chennai - 600 005.

3.The District Collector,
Dharmapuri.

4.The District Adhi Dravidar and
Schedule Tribes Welfare Officer,
Adhi Dravidar and Scheduled Tribal
Welfare Department,
Dharmapuri Collectorate,
Dharmapuri.

5.The Special Tahsildar,
(Adhi Dravidar Welfare), Taluk Office Compound,
Dharmapuri.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to fix the compensation under Section 24 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 on the basis of the petitioner's representation dated 21.07.2018, within a time frame fixed by this Hon'ble Court.

For Petitioner : Mr.G.Surya Narayanan
For Respondents : Mr.M.Elumalai,
Government Advocate

O R D E R

The relief sought for in this Writ Petition is to direct the respondents to fix the compensation under Section 24 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 on the basis of the petitioner's representation dated 21.07.2018, within a time frame fixed by this Court.

2.1. The petitioners' land comprised in Survey Nos.166/2 & 166/1 was acquired by the respondent department vide notification dated 01.08.1995 in G.O.Ms.No.143 issued under Rule 4(1) of the Tamil Nadu Act 31 of 1978. The said notification was published on 19.06.1997 and the same was notified on 28.06.1997 in the Gazette (Special Notification) Number 26 dated 28.06.1997. While so, on 11.11.1997, an award was passed by the Land Acquisition Officer/Special Tahsildar, Dharmapuri. As per the award, the first petitioner was paid compensation amount of Rs.39,235/-, and the second petitioner was paid Rs.53,659/- for their acquired lands.

2.2. Being not satisfied with the compensation awarded, the petitioners filed C.M.A(LA)No.26 of 2004 on the file of Sub-Court, Dharmapuri, and after a detailed enquiry, the Sub-Court, Dharmapuri, by judgment dated 24.11.2004, had fixed the value of acquired lands of the petitioners. As per the order dated 24.11.2004, the total compensation payable to all the petitioners is Rs.1,23,05,330/-. Challenging the said judgment, the Land Acquisition Officer filed an Appeal in S.A.No.832 of 2005 and the same was dismissed on 24.06.2015. Thereafter, the petitioners have filed an Execution Petitions in E.P.Nos.170 & 191 of 2017 on the file of Sub-Court, Dharmapuri but the same are still pending and the petitioners were not in a position to get their compensation in those proceedings. Thus, from the year 2004 to till date, the compensation amount has not been deposited and the respondents denied to pay the same to the petitioners. Therefore, the petitioners are constrained to file the present Writ Petition.

3. The learned counsel appearing for petitioners convinced this Court by stating that provisions contemplated under Section 24(2) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 would apply to the

facts of the present case. Hence, the learned counsel for petitioner requested this Court to mould the prayer of the petitioners by directing the Sub-Court, Dharmapuri to dispose of the E.P.Nos.170 & 191 of 2017 which are pending on its file, at the earliest.

4. The learned Government Advocate appearing for the respondents submitted that since the learned counsel for petitioners is not pressing the prayer in the Writ Petition, he is agreeable for disposal of the Execution Petitions pending on the file of the Sub-Court, Dharmapuri as per the time stipulated by this Court.

5. Heard the learned counsel for petitioners and the learned Government Advocate for respondents.

6. In view of the submissions made by the counsel for the parties, this Court is not inclined to grant the relief as prayed for in the Writ Petition. However, considering the facts and circumstances of the case that more than 20 years have been lapsed, since the date of award, i.e., 11.11.1997, the petitioners being the land owners are not able to enjoy the benefits of compensation and the respondents are not coming forward to settle the compensation amount to them and also the request made by the learned counsel for petitioners that the petitioners have agreed to mould the relief and pass suitable orders for payment of compensation amount, the Sub-Court, Dharmapuri is directed to dispose of the Execution Petitions in E.P.Nos.170 & 191 of 2017 within a period of four months from the date of receipt of a copy of this order in accordance with law.

7. This Writ Petition is disposed of with the above direction. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Sub Judge,
Sub-Court, Dharmapuri.

2.The Principal Chief Secretary,
Adhi Dravidar Welfare Department,
Secretariat, St.George Fort,
Chennai - 600 009.

3.The Director,
Adhi Dravidar Welfare Department,
Chepauk,
Chennai - 600 005.

4.The District Collector,
Dharmapuri.

5.The District Adhi Dravidar and
Schedule Tribes Welfare Officer,
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Welfare Department,
Dharmapuri Collectorate,
Dharmapuri.

6.The Special Tahsildar,
(Adhi Dravidar Welfare), Taluk Office Compound,
Dharmapuri.

+1cc to Mr. G.Surya Narayanan, Advocate SR.No. 30138
W.P.No.8043 of 2019
In (CO)
A.SK(28/06/2019)

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