

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:26.09.2019

Coram:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.16130 of 2019

Venkatesan

.. Petitioner

/versus/

1.The District Collector,
Tiruvannamalai,
Tiruvannamali District.

2.The Special Tasildhar,
Adi Dravidar Welfare,
Chengam,
Tiruvannamalai District.

3.E.Sriramulu

4.E.Rajan Babu

5.E.Rameshbabu

6.E.Sureshkumar

7.K.Suseela

8.S.Boomivasanha

9.S.Kumari

10.Poongothai

11.Minor Priya
D/o Late Sundaram
Minor rep.by Guardian mother Poongothai

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India seeking Writ of Mandamus directing the respondents to deposit the award amount to the credit of C.M.A.No.11/1996 on the file of Sub Court, Tiruvannamalai and direct the respondents to consider the representation dated 09.01.2019.

For Petitioner :Mr.R.Rajarajan
For Respondents :Mr.D.Raja,AGP for R1 and R2
Mr.Myilsamy for R3 to R6
No appearance for R7,R8, R9,
R10 and R11

O R D E R

By consent, the writ petition is taken up for final disposal, at the admission stage itself.

2. Heard Mr.R.Rajaraja, learned counsel appearing for the petitioner and Mr.D.Raja, learned Additional Government Pleader, who takes notice for respondents 1 and 2 and Mr.Myelsamy, learned counsel, who takes notice for respondents 3 to 6.

3. This writ petition is filed seeking Mandamus to issue direction to the first respondent to deposit the award amount to the credit of C.M.A.No.11 of 1996 on the file of the Principal Sub Court, Tiruvannamalai.

4.The pathetic case of the petitioner is that the property owned by him in S.No.124/6 situated at Vengikal Village, Tiruvannamalai Taluk and District was acquired for providing house for Adi Dravidar Community. Compensation of Rs.68,080/- was awarded to the petitioner and his family members for the land acquired. Aggrieved by the meagre amount of compensation, the petitioner and others had filed C.M.A.No.11 of 1996 on the file of the Principal Sub Court, Tiruvannamalai under Section 9 of the Tamil Nadu Acquisition of Land for Harijan Welfare Scheme, 1978. After 20 years, order was passed in C.M.A.No.11 of 1996, on 05.11.2015 enhancing the compensation of Rs.15,47,192/-. After dragging the CMA proceedings for nearly 20 years, the respondents failed to pay the enhanced compensation ordered by the Principal Sub Court, Tiruvannamalai in C.M.A.No.11 of 1996. Hence, after repeated request, the petitioner had filed Execution Petition No.116 of 2017 on the file of the Principal Sub Court, Tiruvannamalai. Respondents 1 and 2 being the Government Officials, the Execution Court has given very lenient and liberal adjournments without proceeding with the execution petition effectively. This has forced the petitioner to approach this Court seeking Mandamus.

5. On considering the indifferent attitude of respondents 1 and 2, this Court directed the learned Additional Government Pleader to expedite the process and pay the

compensation amount to the petitioner and report about the action taken and posted the matter for hearing on 17.09.2019 "For Reporting Compliance". On 23.09.2019, when the matter was listed, the learned Additional Government appearing for respondents 1 and 2 took time to report the compliance. Again the matter is listed today.

6. Today the second respondent/Tasildhar is present. He has not able to produce document which could indicate the officials of the Government have taken any serious note of the order passed by this Court.

7. Hence, this Court is constrained to direct the Principal Sub Court, Tiruvannamalai where E.P.No.116 of 2017 is pending for execution to take up the matter and proceed with the execution proceeding in accordance with law, as expeditiously as possible and if necessary, provide police protection for attachment of movables without any hesitation or fear of the respondents. If any restrain shown by the respondents, while executing the decree, the same may be dealt with in accordance with law. The Principal Sub Court, Tiruvannamalai is directed to submit the action taken report on 18.10.2019.

8. Accordingly, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-)

//True Copy//

Sub Assistant Registrar

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To:

- 1.The District Collector,
Tiruvannamalai,
Tiruvannamali District.
- 2.The Special Tasildhar,
Adi Dravidar Welfare,
Chengam,
Tiruvannamalai District.
- 3.The Principal Sub Court,
Thiruvannamalai.

4.The Subordinate Judge,
Thiruvannamalai.

5.Government Pleader,
High court, Chennai.

Copy to: The Registrar Judicial,
High Court,Chennai-104.

PVS(CO)
CB(27/09/2019)

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