

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 15.10.2019

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Writ Petition No.11882 of 2018

B.K.Damodaran

... Petitioner

Vs

The District Collector,
Krishnagiri District,
Krishnagiri.

... Respondent

Prayer :- This Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of Mandamus, praying to direct the respondent to pay the compensation of Rs.1,55,084/- with 15% interest from 01.02.2007 as claimed in the E.P.No.46 of 2007 in L.A.O.P.No.171 of 1996, on the file of the Sub Court, Hosur, within the stipulated time.

For Petitioner :Mr.M.Devaraj

For Respondents :Mr.D.Raja
Additional Government Pleader

ORDER

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

2. Heard Mr.M.Devaraj, learned counsel appearing for the petitioner and Mr.D.Raja, learned Additional Government Pleader, who takes notice on behalf of the respondent.

3. The Writ Petition is filed under a premise that despite award passed in the land acquisition proceedings, the respondents have not deposited the compensation amount, inspite of filing E.P.No.46 of 2007, on the file of the Sub Court, Hosur.

4. It is also contended by the petitioner that warrant of attachment was also issued against the respondent on 20.11.2014 and due to the office held by the respondent, the Execution Petition could not be executed. The respondent has filed counter stating that a sum of Rs.1,29,785/- has been deposited in E.P Account, vide D.D.No.250702, dated 01.10.2019, drawn at Indian Bank, Shoolagiri.

5. The learned counsel appearing for the petitioner submits that E.P is for recovery of Rs.1,55,084/- with accruing interest till the date of realisation, whereas, the respondent has only deposited Rs.1,29,785/-. If there is any shortage in the payment of the decree amount, the same can be worked out in the pending Execution Petition.

6. Now, recording the deposit of Rs.1,29,785/- in the E.P account, this Writ Petition is disposed of with the liberty to the petitioner to work out his remedy for recovering balance money in any to be paid by the respondent before the Execution Court. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

1) The District Collector,
Krishnagiri District,
Krishnagiri.

2) The Sub Court,
Hosur.

+1 cc to M/s.W.M.Abdul Majeed, Advocate, S.R.No.86047

+1 cc to the Government Pleader, S.R.No.86476

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(CO)

SSM(04/11/2019)