



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on: 13.08.2019	Pronounced on: 19.08.2019
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Coram::

The Honourable Dr.Justice G.Jayachandran

Writ Petition No.20768 of 2019

P.Munusamy,
S/o.Late Parthasarathy Naidu,
No.11, Kumaran Street,
Rajiv Nagar, Mukthapudupet,
Chennai - 600 055. Petitioner

/versus/

1. The District Collector,
Thiruvallur.
2. The District Revenue Officer,
(Land Acquisition),
Outer Ring Road Project,
Chennai Metropolitan Development Authority,
Koyambedu,
Chennai - 600 092.
3. The Special Tashildar (LA),
Outer Ring Road Project Unit VI,
Koyambedu,
Chennai - 600 092. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue Writ of Mandamus, directing the respondents to release compensation due to the petitioner along with appropriate interest as on date towards the acquisition of lands measuring 0.14.5 in S.No.77/14A of Mukthanpudupet Village of Ambattur Taluk, Thiruvallur District within a time frame to be fixed by this Hon'ble Court.

For Petitioner : Mr.R.Dhamodaran

For Respondents : Mr.D.Raja,
Additional Government Pleader

O R D E R

Heard the Learned Counsel for the Petitioner and the Learned Counsel for the respondents.

2. The petitioner herein is one among the three legal heirs of Late Parthasarathy Naidu. Land to an extent of 0.14.5 Acres in S.No.77/14 A of Mukthanpudupet Village of Ambatur Taluk, stood in the name of deceased Parthasarathy Naidu. The said land was acquired by the Tamil Nadu Government for formation of outer Ring Road project. The Petitioner herein filed an application under Section 28A of the Land Acquisition Act on 11.03.2014 before the 1st respondent/the District Collector, Thiruvallur. After returning the representation twice, revised working sheet towards compensation was sent to the 1st respondent on 06.06.2016. Hence, the petitioner filed the W.P.No.2671 of 2017 to consider his representation, dated 17.11.2016. This Court, directed the 1st respondent/the District Collector, to consider the representation made by the petitioner under Section 28A of the Land Acquisition Act. The 1st respondent rejected the representation on 05.11.2017 stating that the compensation awarded under the Lok Adalat settlement cannot be sought as a parity. Again the petitioner approached this Court by filing W.P.No.5099 of 2018 to quash the order of the 1st respondent dated 05.11.2017. This Court, disposed of the Writ Petition and directed the respondent to extend the benefit Lok Adalat award of enhanced compensation to the petitioner also by invoking Section 28-A of the Land Acquisition Act. This order was not complied by the 1st respondent/the District Collector. Hence, Contempt petition was filed against the 1st respondent. Only thereafter, the 1st respondent/District Collector, Thiruvallur, passed the order dated 25.03.2019 releasing a sum of Rs.27,51,700/-, after deducting TDS.

3. Pursuant to the said order, the 2nd respondent/District Revenue Officer, (LA), called the petitioner and other two legal heirs of Parthasarathy Naidu, for enquiry. They were present before the 2nd respondent. She recorded the statement on 12.06.2019. The other two legal heirs, who are the sisters of the petitioner, had given a written consent expressing "No objection" to pay entire compensation amount to the petitioner. In spite of that, the respondents have not paid the compensation money. Hence, the present Writ Petition.

4. In the counter affidavit filed by the 3rd respondent, admitting the acquisition and liability to pay the enhanced compensation and also the order passed by the 1st

respondent dated 25.03.2019 to release a sum of Rs.27,51,700/-, after deducting TDS of Rs.3,19,410.44. The 3rd respondent/Special Tashildar, has stated that, "the 1st respondent/District Collector, Thiruvallur, in his proceedings dated 25.03.2019, instead of fixing the compensation amount and income tax deduction for each land owner disjointedly, had fixed award jointly to the three land owners. Hence, the amount of compensation for each land owner not able to be determine. In this connection, a Notice has been sent to the two Legal heirs (i). Tmt.R.Sumathi, W/o.Ravi, (ii). Tmt.Lakshmi W/o.Munusamy on 14.06.2019 to produce the extract of the PAN Card for favour of deduction of Income Tax, before the 3rd respondent for payments before 01.07.2019, but both have till date, not produced the extract for entertainment. Among the three, one of the Legal heir Tmt.R.Sumathi, W/o.Ravi has not received the notice sent on 14.06.2019 and it has been returned back to the senders with mention of the individual refused to receive the notice. The request of the petitioner to accord entire compensation amount at his title having no bonafide option since the deceased land owner besides the petitioner had three Legal issues. The compensation amount pertaining to three legal heirs could be considered for payment after deduction of Income Tax from each." It is further submitted that except the petitioner the other two legal heirs of the deceased land owner may be directed to produce the extract of the PAN Card before the Land Acquisition Officer at the Office respectively for deducting Income Tax from the sources available.

5. This explanation given by the respondents herein through the counter appears to be an afterthought and only to delay the disbursement of money to the petitioner. If the 1st respondent/District Collector, Thiruvallur, has not fixed the compensation amount and the Income Tax deduction for each land owner disjointly, the 3rd respondent/The Special Tashildar (LA), ought to have sought for clarification from him immediately. Even after personal hearing of the legal heirs of Parthasarathy Naidu and after receipt of the "No Objection Certificate" from other two legal heirs, the 3rd respondent/The Special Tashildar, (Land Acquisition), has neither acted upon the "No Objection Certificate" to disburse the money nor sought clarification from the 1st respondent/District Collector, Thiruvallur, how to disburse the money, in view of the "NOC" given by the other Legal heirs of the Late Parthasarathy Naidu.

6. Therefore, the Writ Petition is Allowed. The 3rd respondent/Special Tashildar, Land Acquisition, shall act upon the "No Objection Certificate" given by the other two legal heirs of Late Parthasarathy Naidu and issue the compensation amount to Munusamy/petitioner herein. While disbursing the compensation amount, the petitioner herein shall ensure the

presence of other two Legal Heirs and acknowledge the payment to him.

7. With the above direction, the Writ Petition is Allowed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

bsm

To,

1. The District Collector,
Thiruvallur.
2. The District Revenue Officer,
(Land Acquisition),
Outer Ring Road Project,
Chennai Metropolitan Development Authority,
Koyambedu,
Chennai - 600 092.
3. The Special Tashildar (LA),
Outer Ring Road Project Unit VI,
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Chennai - 600 092.

+1cc to Mr.R.Dhamodaran, Advocate Sr.70166

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srg 19/09/2019

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