

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 04.09.2019

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Writ Petition No.21102 of 2019

Raji Gounder

.. Petitioner

/versus/

1.The Principal Secretary,
Revenue department,
Government of Tamil Nadu,
Fort St. George,
Chennai-9.

2.The Special Commissioner,
Land Acquisition,
Ezhilagam,
Chennai-5.

3.The District Collector,
Tiruvannamalai,
Tiruvannamalai District.

4.The District Revenue Officer,
Tiruvannamalai.

5.The Revenue Divisional Officer,
Tiruvannamalai.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to deposit the balance award amount due to the petitioner in LAOP No.72/2000 on the file of Principal Sub Court, Tiruvannamalai after appropriating the deposit of Rs.1,55,75,550/- towards interest first, solatium next and balance to the principal in accordance with the ratio laid down by the Honourable Supreme Court in 2008 8 SCC Page No.457 forthwith.

For Petitioner
For Respondents

:Mr.R.Raja Rajan
:Mr.D.Raja,
Addl.Government Pleader

ORDER

The prayer in the writ petition is to issue a Writ of Mandamus directing the respondents to deposit the balance award amount due to the petitioner in L.A.O.P.No.72/2000 on the file of Principal Sub Court, Tiruvannamalai. after appropriating the deposit of Rs.1,55,75,550/- towards interest first, solatium next and balance to the principal in accordance with the ratio laid down by the Honourable Supreme Court in (2008) 8 SCC Page No.457 forthwith.

2. Heard the learned counsel appearing for the petitioner and learned Additional Government Pleader appearing for respondents.

3.The petitioner herein is the erstwhile owner of the land, which has been acquired by the Government for construction of Government Office Building in Tiruvannamalai. The acquisition proceedings initiated in the year 1997 culminated in passing of award in the year 2000 in L.A.O.P.No.72 of 2000. After reference to the Tribunal for enhancement, the landlord and the Government are agitating over the quantum of compensation by preferring Appeal Suit in A.S.No.444 of 2014 and Special Leave Petition. Ultimately, the Hon'ble Division Bench of this Court has finalised the value of the property, solatium and interest payable to the petitioner.

4. The case of the petitioner is that the State has only deposited 40% of the award amount and the balance amount yet to be paid. In spite of execution proceedings, the State has not come forward to pay the award amount as calculated based on the Government Order and the order of the Hon'ble Supreme Court.

5. In the counter, the Revenue Divisional Officer, Tiruvannamalai has stated that the award amount is modified by the Hon'ble Division Bench of this Court in the Appeal Suit A.S.No.444 of 2014 and the interest portion to be paid, as per the Hon'ble Supreme Court direction. The same will be paid to the petitioner in due course. The proposal to allot the money is pending with the Government and as soon as the amount received, the balance amount will be deposited into the Court.

6. The learned counsel appearing for the petitioner would submit that the working sheet of the State Government regarding compensation payable for the land is not in consonance with the Court direction.

7. In this regard, the learned Additional Government Pleader appearing for the respondents submit that if there is any dispute regarding the quantum payable, the issue may be raised by the petitioner before the LAOP proceedings.

8. Considering the submissions made by the learned Additional Government Pleader appearing for the respondents, this writ petition is disposed of with direction to the respondents herein to deposit the compensation amount payable to the petitioner in the L.A.O.P. account within a period of three weeks from the date of receipt of a copy of this order. The amount should be arrived taking into account the order passed by the Hon'ble Division Bench of this Court and the order of the Hon'ble Supreme Court regarding quantum, calculation of solatium and interest. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To:

1.The Principal Secretary,
Revenue department,
Government of Tamil Nadu,
Fort St. George,
Chennai-9.

2.The Special Commissioner,
Land Acquisition,
Ezhilagam,
Chennai-5.

3.The District Collector,
Tiruvannamalai,
Tiruvannamalai District.

4.The District Revenue Officer,
Tiruvannamalai.

5.The Revenue Divisional Officer,
Tiruvannamalai.

+1 cc to M/s.Raja Rajan,Advocate Sr.No. 76470

+1 cc to The Government Pleader Sr.No.76891

AKM/25.09.19/3P- 8C /

W.P.No.21102 of 2019