IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2019

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.32238 of 2018

K.Ekambaram ... Petitioner

Vs.

1.The District Collector,
Thiruvallur District,
Thiruvallur.

2.The District Revenue Officer,
Thiruvallur District,
Thiruvallur.

3.The Revenue Divisional Officer,
Central Chennai Division,
Anna Nagar West Extension,
Chennai-600 101.

4.The Revenue Divisional Officer,
Ambattur Division,
Ambattur,
Chennai-600 053.

5.The Sub Collector,
Thiruvllur Division,
Thiruvallur.

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6.National Highways Authority of India
Ministry of Surface and Transport,
D.P.34, South Phase, Sri Towers, 3rd Floor,
Industrial Estate, New Olympic Towers,
Guindy, Chennai – 600 032. ... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a writ of MANDAMUS, directing the respondents herein to deposit the entire compensation amount to the credit of LAOP.No.41 of 1990 on the file of II Additional District and Sessions Judge, Thiruvallur District at Poonamallee, pursuant to the Judgment and Decree of this Court dated 03.09.2010 made in A.S.No.726 of 2010 and as per Judgment and Decree of the Additional District Judge,(Fast Track Court No.III), poonamallee, Dated 29.10.2004 made in LAOP.No.41 of 1990 by fixing the time limit.

For Petitioner : Mr.M.S.Subramanian

For Respondents : Mr.D.Raja
Additional Government Pleader for R1 and R5

Mr.Su.Srinivasan for R-6

O R D E R

This writ petition has been filed seeking a direction to the respondents to deposit the entire compensation amount to the credit of LAOP.No.41 of 1990 on the file of II Additional District and Sessions Judge, Thiruvallur District at Poonamallee.

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2.The grievance of the petitioner is that the petitioner's lands were acquired by the respondents for the purpose of formation of bye pass road connecting NH 45 and N.H 5 & 4 and thereafter, Award was also came to be passed. Not being satisfied with the Award, the petitioner sought for a reference under Section 18(1) of the Land Acquisition Act before the Reference Court seeking enhancement of compensation. The reference Court, by order dated 29.10.2004, made in L.A.O.P.No.41 of 1990, enhance the compensation. Aggrieved against that the petitioner himself filed an Appeal in A.S.No.726 of 2010 before this Court. This Court, by order dated 30.09.2010, enhance the compensation. Even though, the judgment was passed on 03.09.2010, so far the amount has not been deposited, hence the present writ petition.

3.Today, when the matter is came up for hearing, Mr.D.Raja, learned Additional Government Pleader appearing for the respondents 1 to 5, on instructions submitted that now the Land Acquisition Officer sent a calculation memo to the 6th respondent and once the 6th respondent deposits the amount, it will be paid to the petitioner.

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4.Mr.Su.Srinivasan, the learned counsel appearing for the 6th respondent seeks time to deposit the entire amount within a period of two weeks from today.

5.Considering the above said submission, since the 6th respondent undertakes to deposit the entire compensation on or before 25.01.2018, the first respondent/District Collector, Thiruvallur is directed to deposit the entire compensation amount before the Reference Court, namely, Additional District Judge, Fast Track Court No.II, Poonamalle within a period of two weeks thereafter.

6.With the above directions, this Writ Petition is disposed of. No costs.

11.01.2019

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Index:Yes/No
Internet:Yes
Speaking/Non-speaking order

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To

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V.BHARATHIDASAN, J

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