

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31..01..2019

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.32006 of 2018
and
W.M.P.No.37262 of 2018

- 1.Ragupathi
- 2.Srinivasan
- 3.Bhuvaneswari
- 4.Ramanavasam
- 5.Suganthi
- 6.Suguna

... Petitioners

-Versus-

1. The Principal Secretary/
Commissioner of Revenue Administration,
Chepauk, Chennai - 5.
2. The District Collectorate,
District Collectorate,
Thiruvannamalai District.
3. The Revenue Divisional Officer,
-Cum- The Land Acquisition Officer,
Thiruvannamalai District,
Thiruvannamalai.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondents to disburse the award amount to the petitioners in Award No.11 of 1999 dated 20.08.1999 on the file of Land Acquisition Officer and Special Tahsildar, Thiruvannamalai, by considering representation of the petitioners dated 16.07.2018.

For Petitioners

: Mr.Surendranath

For Respondent(s)

: Mr.C.Thirumaran,

Spl Govt.Pleader for R1 to R3

ORDER

The writ petition has been filed seeking a writ in the nature of mandamus directing the respondents to consider the representation of the petitioners dated 16.07.2018 for disbursement of the amount of compensation payable to him.

2. According to the petitioners, they are legal heirs of the deceased Ponnammal. The petitioners 1 and 2 are the sons of Mrs.Ponnammal and late Narayanasamy and the brothers of late Sridharan. The petitioners 3 & 4 are sons and the petitioners 5 & 6 are daughters of the deceased Sridharan and grand children of Mrs.Ponnammal. Late Narayanasamy predeceased his wife Mrs.Ponnammal on 12.04.2009. Mrs.Ponnammal died on 04.08.2011. Mrs.Ponnammal was the absolute owner of the land comprised in Survey No.89/2A, measuring an extent of 1.69.5 hectares, situated at Vengikal Village, Thiruvannamalai District, which had been acquired by the Land Acquisition Officer / Special Tahsildar, Thiruvannamalai under the provisions of the Land Acquisition Act, 1894, for Master Plan Complex of Various Government Offices at Thiruvannamalai and, thereafter, an award fixing compensation for the acquired land was also passed.

3. Not being satisfied with the amount of compensation awarded by the respondents, Mrs.Poonammal filed an objection for enhancement of compensation before the Land Acquisition Officer concerned, who in turn, referred the matter under Section 18 of the Land Acquisition Act to the jurisdictional reference court. On such reference, the learned Principal Subordinate Judge, Tiruvannamalai, took up the matter on file and assigned number as LAOP No.113 of 2001 and by judgement dated 02.02.2010 enhanced the amount of compensation. Aggrieved over the same, the 3rd respondent preferred an appeal in A.S.No.23 of 2018 before this court and a Division Bench of this court, by a common judgement, dated 26.04.2018 in A.S.No.23 of 2018 modified the award and directed the respondents to pay the compensation to the petitioners within a period of twelve weeks from the date of receipt of the copy of the judgement. After the death of Mrs.Ponnammal, the petitioners have become the absolute owner of the land in question. The grievance of the petitioners is that their representation dated 16.07.2018 for payment of compensation has not yet been considered by the respondents and compensation amount has not so far been paid.

4. Today, Mr.Thirumaran, learned Special Government Pleader produced the counter affidavit of the 2nd respondent in open court, wherein, the District Collector, Thiruvannamalai, inter alia, contended that a proposal for payment of compensation has been sent to the Government and the same is pending for consideration and the process would take three more weeks and

as soon as the sanction is obtained, amount of compensation would be deposited before the executing court/reference court within a period of two weeks thereafter.

5. Considering the nature of the relief sought for in this writ petition and having regard to the counter affidavit and also the submissions made by the learned Special Government Pleader, this writ petition is disposed of with a direction to the 2nd respondent to deposit the amount of compensation payable to the petitioners as per the judgement of the Division Bench of this Court in A.S.No.23 of 2018 dated 26.04.2018 before the reference / executing court concerned within a period of four weeks from today. On such deposit, the petitioners are entitled to file necessary application before the reference / executing court concerned and withdraw the amount. It is needless to mention that if the award amount is not deposited as per the decree passed by this court in the Appeal, it is always open to him to initiate necessary proceedings as per law. No costs. Consequently connected WMP is closed.

The Registry is directed to list this matter on 04.03.2019 for reporting compliance.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

msm/kmk

To

1. The Principal Secretary/ Commissioner of Revenue Administration, Chepauk, Chennai - 5.
2. The District Collectorate, District Collectorate, Thiruvannamalai District.
3. The Revenue Divisional Officer cum Land Acquisition Officer, Thiruvannamalai District, Thiruvannamalai.

+1cc to Mr.Kumaravelu, Advocate, S.R.No.9079

W.P.No.32006 of 2018

RGN(CO)
CS/07/02/2019