

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31..01..2019

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.32003 of 2018

&

W.M.P.No.37260 of 2018

1.Suganthi
2.Suguna

... Petitioners

-Vs-

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 the 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 to the petitioners in terms of Award No.11 of 1999 dated 20.08.1999 passed by the Land Acquisition Officer and Special Tahsildar, Thiruvannamalai.

2. According to the petitioners, they are the owner of the land comprised in Survey No.89/2A, measuring an extent of 0.60.5 hectares, situated at Vengikal Village, Thiruvannamalai District, which was acquired by the Land Acquisition Officer / Special Tahsildar, Thiruvannamalai under the provisions of the Land Acquisition Act, 1894, for Master Plan Complex of Thiruvannamalai and thereafter appropriate award fixing compensation for the acquired land was also passed.

3. Not being satisfied with the amount of compensation awarded by the respondents, the petitioners 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.112 of 2001 and by award dated 02.02.2010 enhanced the amount of compensation. Aggrieved over the same, the 3rd respondent preferred an appeal in A.S.No.22 of 2018 before a Division Bench of this court and the Division Bench of this court, by a common judgement, dated 26.04.2018 in A.S.No.22 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. The grievance of the petitioners is that this representation dated 16.07.2018 for payment of compensation has not yet been considered by the respondents.

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 limited 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.22 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 made clear that if the petitioners are not satisfied with the amount deposit by the respondents, it is always open to him to make necessary application before the court concerned for recovery of the difference amount. No costs. Consequently, connected WMP is closed.

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

msm / kmk

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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-The Land Acquisition Officer,
Thiruvannamalai District,
Thiruvannamalai.

+1cc to M/s.M.M.Kumaravelu, Advocate, S.R.No.9880

W.P.No.32003 of 2018

VSNII- (CO)
KAK(06/02/2019)