

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2019

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.32413 of 2018

and

WMP.No.37609 of 2018

1.P.Kesavamoorthy
2.M.Sagunthala
3.R.Velusamy
4.V.N.Kuppusamy
5.V.Soundaram
6.K.Selvaraj

.... Petitioners

Vs.

1. The District Collector,
Erode District,
Erode.
2. The Revenue Divisional Officer,
(Land Acquisition)
O/o. Revenue Divisional Office,
Brough Road, Erode-1.
3. The Managing Director,
Tamil Nadu Housing Board,
Nandanam, Anna Salai,
Chennai -35.
4. The Executive Engineer/Administrative Officer,
Tamil Nadu Housing Board,
Surampatti, Erode.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a writ of MANDAMUS, directing the respondents to disburse the compensation to the tune of Rs.91,37,498/- together with interest 15% from the date of order passed by the first respondent in his proceedings Na.Ka.No.5608/2017/Aa1, dated 03.11.2018 till the compensation being paid by the respondents to the petitioners.

For Petitioners :Mr.C.Prakasam

For Respondents :Mr.D.Raja
Additional Government Pleader
for R1 and R2

Mr.R.V.Babu
Standing Counsel for TNHB for R3 and R4

O R D E R

This writ petition has been filed seeking a direction to the respondents to disburse the compensation amount payable to the petitioners.

2.The grievance of the petitioners is that the petitioners land were acquired by the Tamil Nadu Housing Board in the year 1992, thereafter, Award was also passed and not being satisfied with the Award, the neighboring land owners sought for a reference under Section 18(1) of the Land Acquisition Act was made before the Reference Court. The Reference Court by order dated 12.04.2014 enhanced the compensation at the rate of Rs.30/- per sq.ft. Based on that the petitioners filed an application under Section 28(A) of the Land Acquisition Act seeking further enhancement. The said application was allowed by the first respondent by order dated 03.11.2018 whereby the compensation was enhanced to the tune of Rs.91,37,498/-, even though an order was passed on 03.11.2018, so far the amount has not been disbursed, 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 and 2, on instructions submitted that the acquisition was made for 2nd respondent Housing Board and they have to deposit the award amount, As soon as the Housing Board deposit the amount, it will be paid to the petitioners.

4.Considering the above said submission made by the learned Additional Government Pleader, the Tamil Nadu Housing Board/Respondents 3 and 4 are directed to deposit the entire compensation amount to the second respondent within a period of eight weeks from today and on such deposit, the second respondent is directed to disburse the said amount to the petitioners within a period of two weeks thereafter.

5. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected WMP is closed.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

rrg

To

1. The District Collector,
Erode District,
Erode.
 2. The Revenue Divisional Officer,
(Land Acquisition)
O/o. Revenue Divisional Office,
Brough Road, Erode-1.
 3. The Managing Director,
Tamil Nadu Housing Board,
Nandanam, Anna Salai,
Chennai -35.
 4. The Executive Engineer/Administrative Officer,
Tamil Nadu Housing Board,
Surampatti, Erode.
- +1 cc to M/s.C.Prakasam, Advocate, S.R.No.2171
+1 cc to M/s.R.V.Babu, Advocate, S.R.No.2788
+1 cc to the Government Pleader, S.R.No.2310

CP (CO)
SSM(10/01/2019)

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