



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

W.P. (MD).Nos.12880 & 12881 of 2015

1.C.Pethakka

2.C.Koothayee

3.C.Ramakrishnan

4.C.Elango

5.C.Mahalingam

6.C.Pandiperumal

7.C.Eswari

.. Petitioners in W.P.(MD).No.12880 of 2015

1.Manthai Ammal

2.Parimala

.. Petitioners in W.P.(MD).No.12881 of 2015

Vs.

1.The Secretary to Government,

Housing Board, Fort. St. George, Chennai - 9.

2.The Managing Director,

Tamil Nadu Housing Board,

No.493, Anna Salai, Nanthanam, Chennai.

3.The Executive Engineer

Cum Executive Officer, Tamil Nadu Housing Board,

Madurai Housing Unit, Ellis Nagar, Madurai.

4.The District Collector,

Madurai District, Madurai.

5.The Special Tahsildar (Land Acquisition),

North Neighbourhood Project,

Ellis Nagar, Madurai - 10.

.. Respondents in both

petitions

Common Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the 2nd respondent to pass an appropriate order as per the proceedings of the 4th respondent passed in Na.Ka.No.48503/2011/B2, dated 20.09.2011 and consequently direct the respondents No.2 and 4 to disburse the enhanced award amount as per the decree and judgments passed in L.A.O.P.Nos.264 of 1982, 98 of 1983 dated 24.03.1986 and L.A.O.P.No.85 of 1983, dated 18.03.1986 by the Sub Court, Madurai, respectively within the time stipulated by this Court.

For Petitioner

: Mr.V.R.Venkatesan

(in both WPs)

For Respondents

: Mr.M.Rajarajan,

Government Advocate for



RR1,4 and 5
Mr.Mohammed Athief
for RR2 and 3

COMMON ORDER

These writ petitions are filed to enforce the award that was passed under the Land Acquisition Act.

2.When the Civil Court fixes or determines compensation in a reference under section 18 of the Land Acquisition Act, it becomes a decree. Since the petitioner has got an executable decree by virtue of the orders passed in L.A.O.P.Nos.264 of 1982, 98 of 1983 dated 24.03.1986 and L.A.O.P.No.85 of 1983, dated 18.03.1986, the petitioners are at liberty to execute the decree in terms of the order of Tribunal in the above L.A.O.Ps. A writ petition is not maintainable to enforce the Civil Court's order in a reference under Section 18 of the Land Acquisition Act. Time taken in preferring further appeal till disposal and the time taken in this writ petition may also be excluded for the purpose of limitation.

3.Accordingly, these writ petitions are dismissed. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar(CS)

TM

To

1.The Secretary to Government,
Housing Board, Fort. St. George,
Chennai - 9.

2.The District Collector,
Madurai District, Madurai.

3.The Special Tahsildar (Land Acquisition),
North Neighbourhood Project,
Ellis Nagar, Madurai - 10.

+1CC TO MR.V.R.VENKATESAN, ADVOCATE, SR NO.103520

+1CC TO M/S.SPL GOVERNMENT PLEADER, SR NO.103557

W.P.(MD).Nos.12880 & 12881 of 2015

04.12.2019

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