

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2020

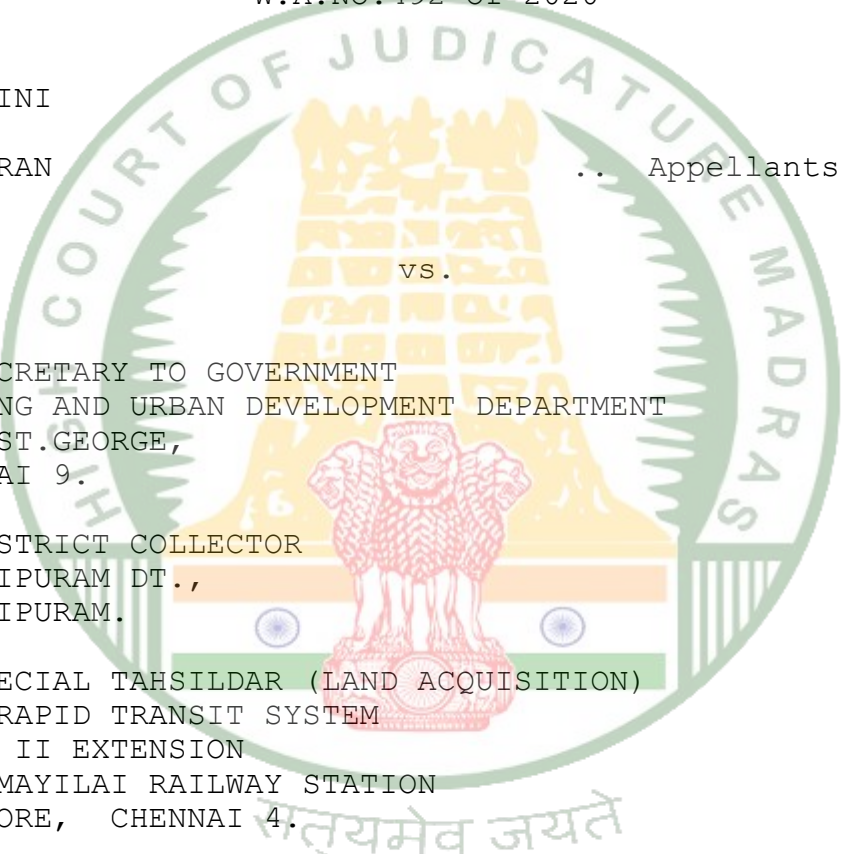
CORAM :

THE HON'BLE MR.A.P.SAHI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A.No.492 of 2020

- 
1. M.SHALINI
2. M. SHARAN ... Appellants/Petitioner
- vs.
- 1 THE SECRETARY TO GOVERNMENT
HOUSING AND URBAN DEVELOPMENT DEPARTMENT
FORT ST.GEORGE,
CHENNAI 9.
- 2 THE DISTRICT COLLECTOR
KANCHIPURAM DT.,
KANCHIPURAM.
- 3 THE SPECIAL TAHSILDAR (LAND ACQUISITION)
MASS RAPID TRANSIT SYSTEM
PHASE II EXTENSION
THIRUMAYILAI RAILWAY STATION
MYLAPORE, CHENNAI 4.
- 4 THE DEPUTY CHIEF ENGINEER - I
METROPOLITAN TRANSPORT PROJECT (RAILWAY 1)
SOUTHERN RAILWAY,
MYLAPORE, CHENNAI 4. ... Respondents/Respondents

Appeal filed under Clause 15 of the Letters Patent against the order dated 21.12.2018 passed by the learned Single Judge in W.P.No.6223 of 2017.

WP No.6223 of 2017 Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of certiorari to call for the records pertaining to the impugned award passed by the third respondent in No.1/16 dated 20.09.2016 (Na.Ka.2/2011/A dated 20/09/2016).

For Appellants : Mr.A.E.Ravichandran

For Respondents : Mr.E.Manoharan
Spl. Government Pleader

JUDGMENT

(Delivered by The Hon'ble Chief Justice)

Heard learned counsel for the appellants.

2. The only purpose of filing of this appeal as urged by learned counsel for the appellants is that the appellants are also entitled to the same benefits as has been extended by the Division Bench in W.A.Nos.347, 349 and 350 to 352 of 2019, decided on 05.03.2019 (G.Krishnaraj and others v. The Secretary to Government, Housing and Urban Development, Fort St. George, Chennai-600 009 and others).

3. The matter relates to the land acquisition proceedings and the claim of the appellants is that the benefits relating to the rate of compensation as has been made available in terms of the aforesaid judgment is also extendable to the appellants, inasmuch as the appellants were also parties to the writ petition and are covered by the same notification as well as awards passed in relation thereto.

4. On facts, therefore, there does not appear to be any dispute except that the appellants had not filed separate appeal, which has been preferred now.

5. In the above background, we have also heard learned Special Government Pleader for the State, who submits that he could not complete his full instructions, as the Officer, who was to attend this case, has turned COVID positive. In our opinion, there does not appear to be any dispute either on the facts or law applicable to the controversy and therefore, the appellants, in our opinion, are also entitled to the same benefits of the award of compensation as has already been held by the Division Bench in the judgment dated 05.03.2019 (supra).

6. Learned counsel for the State, however, submits that the disbursement of compensation to the parties who were there in the said appeals has not been actually carried out even though the amount has already been deposited with the competent authority and therefore, the appellants would also be entitled to receive the amount provided they also surrender vacant possession of the property which is the subject matter of acquisition.

7. Learned counsel for the appellants contends that the appellants will also abide by the same terms as imposed by the Court in the aforesaid appeals.

8. Accordingly, this appeal is also disposed of in terms of the decision dated 05.03.2019 in W.A.Nos.347, 349 and 350 to 352 of 2019, decided on 05.03.2019 (G.Krishnaraj and others v. The Secretary to Government, Housing and Urban Development, Fort St. George, Chennai-600 009 and others). No costs. Consequently, C.M.P.No.7316 of 2020 is closed.

Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

- 1 THE SECRETARY TO GOVERNMENT
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PVS (CO)
GMY (31/07/2020)