



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.07.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

W.P. (MD)No.7138 of 2020

K.Palanichamy

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Thiruvankadam Road,
Sankarankovil,
Tenkasi District.

2.The Executive Engineer,
Public Works Department,
(Water Resources Organisation),
Upper Vaipar Basin Division,
Rajapalayam-626117
Virudhunagar District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to disburse the enhanced compensation awarded under Section 28-A of the Act by the Land Acquisition Officer, Tirunelveli by receiving the amount from the second respondent.

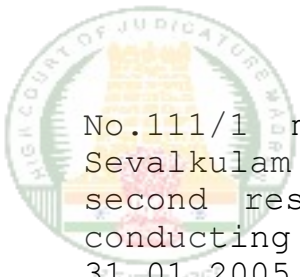
For Petitioner : Mr.K.Hemakarthiskeyan
for D.Sakkaravarthi

For Respondents : Mr.M.Rajarajan
Government Advocate

ORDER

The petitioner has filed this petition seeking a direction to the first respondent to disburse the enhanced compensation amount awarded under Section 28-A of the Land Acquisition Act.

2.The learned counsel appearing for the petitioner submitted that the lands in Survey No.97/1A measuring an extent of 0.68.0 hectares, in Survey No.108/1A measuring an extent of 0.13.5 hectares, in Survey No.109 measuring an extent of 0.48.0 hectares, Survey No.110 measuring an extent of 0.54.0 hectares and Survey



No.111/1 measuring an extent of 1.61.0 hectares, situated at Sevalkulam Village, belong to the petitioner, were acquired by the second respondent for formation of tank. In this regard, after conducting enquiry, the first respondent, vide Award No.2/04, dated 31.01.2005, awarded Rs.50/- per cent. Aggrieved by the said award amount, some of the land owners requested the first respondent to refer the matter to the concerned Court. The first respondent referred the matter to the Sub Court, Sankarankoil. The learned Sub Court, Sankarankoil, in L.A.O.P.No.1 of 2010 and L.A.O.P.No.1 of 2011 awarded compensation as Rs.3,800/- per cent. Aggrieved by the same, the Revenue Divisional Officer, Tirunelveli filed an appeal before this Court in A.S.(MD)No.146 of 2014 and A.S.No.131 of 2013. The said appeals were dismissed confirming the award passed by the lower Court. In the meanwhile, the Government sanctioned the compensation amount vide G.O.No.(4D) 10, Public Works (P2) Department, dated 26.08.2019. Thereafter, based on the said Government Order and the order of the Lower Court in L.A.O.P.No.1 of 2011, the petitioner has made a representation to the first respondent to disburse the enhanced compensation amount. So far, the enhanced compensation amount has not been disbursed to the petitioner. Therefore, the petitioner has filed this petition before this Court.

3.The petitioner's counsel further submitted that Tirunelveli District was bifurcated into two districts namely Tirunelveli District and Tenkasi District. Originally, the Revenue Divisional Officer falls under Tirunelveli District. After bifurcation, the Revenue Divisional Officer falls under Tenkasi District. He further submitted that due to the bifurcation of the District, there is a delay in transmitting the records to the second respondent office.

4.The learned Government Advocate appearing for the respondents would submit that the petitioner's application was considered by the District Collector under Section 28A of the Land Acquisition Act. He further submitted that in view of the aforesaid bifurcation of the Tirunelveli District, there is an administrative delay in disbursing the said compensation amount to the petitioner and they are not able to settle the enhanced compensation amount. By considering the petitioner's request, the first respondent will take necessary steps to disburse the enhanced compensation amount to the petitioner.

5.Considering the submission of the learned counsel for the petitioner and the learned Government Advocate and upon perusing the materials on record, it is clear that there is no dispute regarding sanction of the enhanced compensation amount. Due to bifurcation of the Districts, there is an administrative delay in sanctioning the amount from the District Collector, Tenkasi. Therefore, the first respondent is not able to disburse the said compensation amount to the petitioner.



6.This Court, by taking into account the said fact and in the interest of justice, directs the first respondent to disburse the enhanced compensation amount to the petitioner as expeditiously as possible as per G.O.No.(4D) 10, Public Works (P2) Department, dated 26.08.2019, preferably, within a period of 12 weeks from the date of receipt of a copy of this order. If there is any dispute regarding payment of compensation amount, it is for the authority to take appropriate decision in accordance with the provisions under Land Acquisition Act. The Writ Petition is disposed of . No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmi

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Revenue Divisional Officer,
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Sankarankovil,
Tenkasi District.

2.The Executive Engineer,
Public Works Department,
(Water Resources Organisation),
Upper Vaipar Basin Division,
Rajapalayam-626117
Virudhunagar District.

+1 CC to M/s.D. SAKKARAVARTHI, Advocate (SR-13403[F] dated 31/07/2020)

W.P. (MD)No.7138 of 2020
30.07.2020

AP(12/08/2020) 3P 4C