



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :20.08.2020

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THE HONOURABLE MR.JUSTICE **D.KRISHNAKUMAR**

W.P. (MD) No.7443 of 2019

Sathasivam

...Petitioner

Vs.

1.The Director,
Tamil Nadu SC/ST Welfare Department,
Chepauk, Chennai - 5.

2.The District Welfare Officer,
Tamil Nadu SC/ST Welfare Department,
Dindigul District.

3.The Special Tahsildar (SC/ST Welfare)
Palani, Dindigul District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents more particularly the first respondent to get a sanction order from the Government for depositing the compensation amount for acquiring the land in Survey No.402/2B situated at Pushpathur/Nallur.

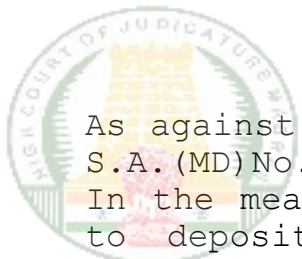
For Petitioner : Mr.P.Chellapandian

For Respondents : Mr.M.Rajarajan,
Additional Government Pleader

ORDER

This Writ Petition is filed seeking for a direction, to direct the first respondent to get a sanction order from the Government for depositing the compensation amount for acquiring the land in Survey No.402/2B situated at Pushpathur/Nallur.

2. The learned counsel for the petitioner submitted that the land in Survey No.402/2B, situated at Pushpathur/Nallur belonged to his father, was acquired by the respondents for the welfare of SC/ST people under the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1971. In this regard, the compensation amount has been fixed by the Acquisition Officer at Rs.75,023.25/-. On appeal, the compensation amount was enhanced at Rs.4,50,000/- by the LAOP Court.



As against which, the third respondent preferred a second appeal in S.A.(MD)No.859 of 2014, before this Court and the same is pending. In the meanwhile, this Court passed an interim order, on condition to deposit 50% of the award amount and also permitted the petitioner's father to withdraw the same. Based on the same, on 23.10.2015, the third respondent sent a communication to the second respondent to take necessary action for getting the award amount from the Government.

3.He further submitted that on 23.05.2016, The District Collector, Dindigul District sent a communication to the first respondent to allot a sum of Rs.18,29,395/- to the petitioner. For the past several years, the respondents 2 and 3 repeatedly requested the first respondent to get necessary sanction from the Government for depositing the award amount to the petitioner. Till then, the first respondent has not taken any steps for getting sanction from the Government. Hence, the petitioner filed this present Writ Petition.

4. The learned Additional Government Pleader appearing for the respondents filed a counter-affidavit, wherein it has been stated that the Tribunal/Sub-Court, Palani enhanced the Land value at Rs.1,50,000/- per acre along with other benefits and issued judgment on 21.12.2009. The land value enhanced by the Tribunal/Sub Court was excessive and had not reflected the prevailing market rate in the vicinity. Based on which, the respondents have filed Second appeal in S.A.(MD)No.859 of 2014, before this Court. On 12.02.2015, this Court passed an interim order on condition to deposit 50% of the enhanced amount in M.P.(MD)No.1 of 2014 in S.A.(MD)No.859 of 2014.

5. The learned Additional Government Pleader also submitted that the proposals were sent to the Government to deposit 50% of the enhanced amount in order to avoid execution petition filed by the petitioner before the Land Tribunal Court/Sub-Court, Palani and the same is still pending with the Government.

6. Recording the submissions of the learned Additional Government Pleader, this Writ Petition is dismissed. It is for the petitioner to work out his remedy in the manner known to law. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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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 Director,
Tamil Nadu SC/ST Welfare Department,
Chepauk, Chennai - 5.
- 2.The District Welfare Officer,
Tamil Nadu SC/ST Welfare Department,
Dindigul District.
- 3.The Special Tahsildar (SC/ST Welfare)
Palani, Dindigul District.

+1 CC to SPL GP (SR-14629[F] dated 21/08/2020)

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VB (02.09.2020) 3P 5C