

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2021

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

W.P.No. 942 of 2021
and

W.M.P. No. 1029 of 2021

1. R.Palanisamy
S/o. Mr.Periyandarangasamy Konar
2. R.Subramaniam
S/o. Mr. Periyandarangasamy Konar
3. R.Dhanalakshmi,
D/o. Mr. Periyandarangasamy Konar
4. M.Kavitha,
D/o. Mr. Periyandarangasamy Konar Petitioners

Versus

1. The Principal Secretary to Government,
Housing and Urban Development
Department, Fort St. George,
Chennai-9.
2. The Managing Director,
Tamil Nadu Housing Board,
Anna Salai, Nandhanam,
Chennai-35.
3. The Land Acquisition Officer
and Special Tahsildar,
Tamil Nadu Housing Board,
Tatabad, Coimbatore-641 012. ... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 1st respondent/Government to consider and pass orders on the representation dated 01.08.2020 and to disburse the compensation amount to the acquired land under Section 4(1) of Land Acquisition Act in the year 1982 in Award No.1/1985 on the file of Land Acquisition Officer and Special

Tahsildar, Tamil Nadu Housing Board, Tatabad on the requisition body of 2nd respondent/Tamil Nadu Housing Board, Nandanam, Chennai-35 to implement housing scheme along with high compensation under Sec.18 of Land Acquisition Act, with interest till date.

For Petitioners : Mr.D.Veerasekaran
For Respondents : Mr.D.Raja
Addl. Govt. Pleader for R1 and R3

Dr. Gowri for R2

O R D E R

(The case has been heard through video conference)

This Writ Petition has been filed seeking a direction directing the 1st respondent to consider the petitioner's representation dated 01.08.2020 and to disburse the compensation amount to the acquired land.

2. The grievance of the petitioner is that the petitioners' lands were acquired by the respondents and even though the award was passed in the year 1985, so far, the compensation amount was not disbursed. Hence, he has made a representation to the respondents, and the same was not considered. Hence, the present Writ Petition has been filed by the petitioner.

3. Today, when the matter was taken up for hearing, Mr.D.Raja, learned Addl. Government Pleader appearing for respondents 1 and 3 would submit that since there is some dispute regarding the apportionment of compensation, and the matter has been referred under Sec.18 as well as Sec.30 of Land Acquisition Act, and the respondents have already deposited the entire amount in the year 1985 itself before the Sub-Court, Coimbatore and he has also produced the copy of statement. Now, without approaching the concerned civil court, the petitioner cannot approach this court. Hence, this Writ Petition is liable to be dismissed.

4. I have heard and considered the rival submissions made by learned counsel appearing for petitioner as well as learned Addl. Government Pleader appearing for respondents 1 and 2 and the learned counsel appearing for 3rd respondent and perused the records carefully.

5. Considering the submissions made by the learned Additional Government Pleader stating that the compensation amount has been deposited in the year 1985 itself before the Sub-Court, Coimbatore, under Sec.18 as well as Sec.30 of Land

Acquisition Act, the petitioner cannot maintain a Writ Petition and it is open to the petitioner to approach the concerned Civil Court seeking for apportionment as well as enhancement of compensation. Accordingly, this Writ Petition stands closed. No costs. Consequently, the connected Writ Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

rpp

To

1. The Principal Secretary to Government,
Housing and Urban Development
Department, Fort St. George,
Chennai-9.
2. The Managing Director,
Tamil Nadu Housing Board,
Anna Salai, Nandhanam,
Chennai-35.
3. The Land Acquisition Officer
and Special Tahsildar,
Tamil Nadu Housing Board,
Tatabad, Coimbatore-641 012.

+1cc to Mr.D.VEERASEKARAN, Advocate, S.R.No.22014.
+1cc to the Government Pleader, S.R.No.22201.

W.P.No. 942 of 2021
and
W.M.P.No. 1029 of 2021

UM(CO)
CSR 29/04/2021

WEB COPY