



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2021

CORAM :

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.Nos.12407 & 12408 of 2013 and
MP.Nos.2 & 2 of 2014

WP.No.12407 of 2013

1.U.R.Sundar
2.U.R.Chellappa
3.U.R.Srinivasan(died)
4.G.Vaidehi
5.R.Jayanthi
6.R.Vasanthi
7.Swathi Srinivasan
(P7 impleaded as LR of the deceased third petitioner
in MP.Nos.1 & 1 of 2014 in WP.Nos.12407
and 12408 of 2013)

... Petitioners

-Vs-

1. The State of Tamilnadu rep. by its Secretary,
Housing and Urban Development,
Fort St.George,
Chennai 600 009
2. Highways and Minor Ports Dept,
rep by its Secretary,
Fort St.George,
Chennai 600 009
3. The Member Secretary,
Chennai Metropolitan Development Authority,
Chennai 600 008
4. The Revenue Divisional Officer,
Ponneri
5. The Special Tahsildar,
Land Acquisition, Highways,
World Bank Scheme, Chennai 600 009

... Respondents



Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondents to pay to the petitioners forthwith the entire award amount (after adjusting the amount already paid), along with interest, solatium, interest on solatium and any other statutory payment due as per the judgment of this Court in AS.No.1092 of 1990 and Cross Objection No.6 of 1991 dated 06.08.2001 as claimed by the petitioners in their representation dated 10.12.2012.

For petitioners	: Mrs.Hema Sampath Senior Counsel for M/s.R.Meenal
For Respondents	
For R1,2,4&5	: Mr.M.R.Gokul Krishnan, Government Advocate
For R3	: Mr.P.S.Ganesh, Standing Counsel for CMDA

WP.No.12408 of 2013

1.U.R.Sundar
2.U.R.Chellappa
3.U.R.Srinivasan(died)
4.G.Vaidehi
5.R.Jayanthi
6.R.Vasanthi
7.Swathi Srinivasan
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rep by its Secretary,
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3. The Member Secretary,
Chennai Metropolitan Development Authority,
Chennai 600 008

4. The Revenue Divisional Officer,
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5. The Special Tahsildar,
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Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondents to pay to the petitioners forthwith the entire award amount (after adjusting the amount already paid), along with interest, solatium, interest on solatium and any other statutory payment due as per the judgment of this Court in AS.No.1096 of 1990 and Cross Objection No.39 of 1995 dated 24.04.2001 as claimed by the petitioners in their representation dated 10.12.2012.

For petitioners : Mrs.Hema Sampath,
Senior Counsel for M/s.R.Meenal

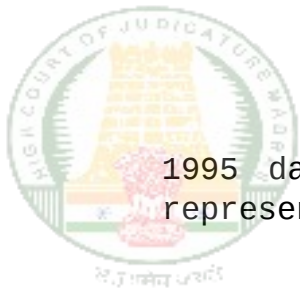
For Respondents

For R1,2,4&5 : Mr.M.R.Gokul Krishnan,
Government Advocate

For R3 : Mr.P.S.Ganesh,
Standing Counsel for CMDA

COMMON ORDER

The Writ Petition in WP.No.12407 of 2013 has been filed to issue a writ of mandamus directing the respondents to pay to the petitioners forthwith the entire award amount (after adjusting the amount already paid), along with interest, solatium, interest on solatium and any other statutory payment due as per the judgment of this Court in AS.No.1092 of 1990 and Cross Objection No.6 of 1991 dated 06.08.2001 as claimed by the petitioners in their representation dated 10.12.2012. The writ petition in WP.No.12408 of 2013 has been filed to issue a writ of mandamus directing the respondents to pay to the petitioners forthwith the entire award amount (after adjusting the amount already paid), along with interest, solatium, interest on solatium and any other statutory payment due as per the judgment of this Court in AS.No.1096 of 1990 and Cross Objection No.39 of



1995 dated 24.04.2001 as claimed by the petitioners in their representation dated 10.12.2012.

2. The lands owned by the petitioners were acquired under the Land Acquisition Act for the formation of Inner Ring Road, State Highway2, World Project Scheme. After completion of acquisition proceedings, the award has been passed on 15.03.1980 and the value of the property fixed at Rs.698/- per cent. The petitioners made objection and referred before the reference court i.e. Sub Court, Poonamallee in LAOP.Nos.16 and 19 of 1986. The Referral Court enhanced the value of the property from Rs.698/- to Rs.4,000/- per cent and 30% solatium with interest payable at Rs.12% per annum from 14.11.1979 to 15.03.1985. Subsequent interest also added at the rate of 15% to the petitioners. The fourth respondent herein filed appeal suits before this Court in AS.Nos.1096 of 1990 challenging the order passed in LAOP. The petitioners also filed cross objections. Both the appeal suits and the cross objections were disposed of by this Court reducing the market value at Rs.3,000/- per cent. The petitioners have filed execution petition to execute the judgment and decree passed in appeal suits by this Court in EP.Nos.140 of 2003 and 141 of 2003 on the file of the Sub Court, Poonamallee. After payment of some amount, the said EP was closed. Subsequently, again the petitioners filed EP.Nos.7 & 8 of 2007 for the remaining award amount. According to the petitioners, on the date of filing the execution petitions, there was due of Rs.10,79,166.71/- and a sum of Rs.10,57,217.65/- respectively. However, the respondents filed counter and stated that the petitioners were excessively paid and therefore the excess amount of Rs.3,18,860/- to be recovered from the petitioners.

3. Mrs.Hema Sampath, Senior Counsel appearing for the petitioners submitted that because the fourth respondent's office itself dismantled, the execution proceedings were terminated by the execution court, therefore, there are no competent persons to address the grievance of the petitioners.

4. Mr.M.R.Gokul Krishnan, Government Advocate appearing for the respondents 1, 2, 4 & 5 produced the letter issued by the Principal Secretary and Commissioner of Land Administration, Chennai issued to the second respondent dated 03.04.2012 annexed working sheet in respect of LAOP.Nos.16 & 19 of 1986.



5. However, the execution proceedings were closed and as such this Court deem it fit to direct the petitioners to submit detailed representation to the Principal Secretary cum Commissioner of Land Administration, Chennai with calculation memo within a period of two weeks from the date of receipt of copy of this order. On receipt of the same, the Principal Secretary cum Commissioner of Land Administration, Chennai is directed to consider the same and after issuing notice to the petitioners and parties concerned and after giving opportunity of hearing for the petitioners and parties concerned, and pass orders on merits and in accordance with law within a period of twelve weeks thereafter.

6. With the above directions, both the writ petitions are disposed of. Consequently, connected miscellaneous petitions are closed. No order as to costs.

Sd/-
Assistant Registrar (CJ CONF)

// True Copy //

Sub Assistant Registrar

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To

1. The Secretary,
State of Tamilnadu,
Housing and Urban Development,
Fort St.George,
Chennai 600 009
2. The Secretary,
Highways and Minor Ports Dept,
Fort St.George,
Chennai 600 009
3. The Member Secretary,
Chennai Metropolitan Development Authority,
Chennai 600 008



4. The Revenue Divisional Officer,
Ponneri

5. The Special Tahsildar,
Land Acquisition, Highways,
World Bank Scheme, Chennai 600 009

+2CCs to M/s.Meenal, Advocate, Sr.Nos.47012, 47011
+1CC to Mr.Government Pleader, Sr.No.47210

W.P.Nos.12407 & 12408 of 2013

KG (CO)
K.RK. (11.10.2021)