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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.8867 of 2021

Yoganathan

.... Petitioner

Vs

1. The District Collector,  
District Collector Office,  
Erode.

2. The District Revenue Officer,  
Erode.

3. The Revenue Divisional Officer,  
Erode.

4. The Special Tahsildar (L & A),  
Neighbourhood Scheme,  
RDO Office,  
Brough Road,  
Erode.

5. The Managing Director,  
Tamil Nadu Housing Board,  
493, Anna Salai,  
Nandanam,  
Chennai - 600 035.

6. The Executive Engineer,  
Administrative Officer,  
Erode Housing Unit,  
Sampath Nagar, Erode - 638 011.

....Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent to disburse the enhanced compensation at Rs.20/- per sq.ft for acquiring the petitioner's property in survey No.459/2 to an extent of 0.62.0 hector and survey No.459/4 to an extent of 0.78.0 hector and totally 1.40.0 hector in Erode District in accordance to the order of this Court in Review Application No.143 of 2017 dated 28.09.2018 by considering the petitioner's representation dated 10.12.2020.



For Petitioner : Mr.M.Guruprasad

For R1 to R4 : Mr.G.Ameedius  
Government Advocate

For R5 & R6 : Mr.C.Emalias  
for Mr.I.Sathish

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#### ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the first respondent to disburse the enhanced compensation at Rs.20/- per sq.ft for acquiring the petitioner's property in survey No.459/2 to an extent of 0.62.0 hector and survey No.459/4 to an extent of 0.78.0 hector and totally 1.40.0 hector in Erode District in accordance to the order of this Court in Review Application No.143 of 2017 dated 28.09.2018 by considering the petitioner's representation dated 10.12.2020.

2. Heard, Mr.M.Guruprasad, learned counsel appearing for the petitioner, Mr.G.Ameedius, learned Government Advocate appearing for the respondents 1 to 4 and Mr.C.Emalias, learned counsel appearing for the respondents 5 & 6.

3. The petitioner owned land comprised in survey No.459/2 to an extent of 0.62.0 hector and survey No.459/4 to an extent of 0.78.0 hector, totally 1.40.0 hector in Erode District (herein after called the 'subject property'). The subject property was acquired for making provision of flats and houses to the public by the fifth respondent under the Neighbourhood Scheme. The compensation was awarded to the petitioner at Rs.35,000/- per acre. For enhancement of compensation award, it was referred in LAOP No.4 of 1996, the compensation was enhanced to Rs.17/- per sq.ft.

4. Aggrieved by the same, the fourth respondent preferred an appeal before this Court in A.S.No.994 of 2009 and this Court reduced the compensation to Rs.8/- per sq.ft., by a Judgment and Decree dated 19.12.2009. Aggrieved by the same, the petitioner preferred Special Leave Petition before the Hon'ble Supreme Court of India and the Hon'ble Supreme Court of India dismissed the Special Leave Petition with liberty to file a review application before this Court on the ground that the appeal filed by the fourth respondent was decided without giving an opportunity to the petitioner. The petitioner filed review application No.143 of 2017 before this Court and this Court enhanced the compensation from Rs.8/- per sq.ft to Rs.20/- per sq.ft, by a Judgment and Decree dated 28.09.2018. Though, the petitioner filed



Execution Petition in E.P.No.29 of 2019 on the file of the II Additional District Judge, Erode, the petitioner filed this Writ Petition for direction directing the first respondent to disburse the compensation amount as per the Judgement and Decree passed in Review Application.

5. A perusal of the counter filed by the third respondent reveals that as per the calculation memo, the balance compensation amount pending as on 15.07.2021, is a sum of Rs.64,77,468/-. The said calculation is based on the Judgement and Decree of the Hon'ble Supreme Court of India in the case of Gurupreet Singh Vs. Union of India, as per G.O.401 of Revenue Department dated 12.10.2018.

6. Considering the above, the fifth respondent is directed to pay the balance compensation amount as per the Judgement and Decree passed in Review Application No.143 of 2017 dated 28.09.2018 for the land comprised in survey No.459/2 to an extent of 0.62.0 hector and survey No.459/4 to an extent of 0.78.0 hector situated at Erode District, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, the writ petition stands allowed. No costs.

Sd/-  
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

Lpp

To

1.The District Collector,  
District Collector Office,  
Erode.

2.The District Revenue Officer,  
Erode.

3.The Revenue Divisional Officer,  
Erode.

4. The Special Tahsildar (L & A),  
Neighbourhood Scheme,  
RDO Office,  
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5. The Managing Director,  
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493, Anna Salai,  
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6. The Executive Engineer,  
Administrative Officer,  
Erode Housing Unit,  
Sampath Nagar, Erode - 638 011.

+1cc to Mr.M.Guruprasad, Advocate, S.R.No.67156  
+1cc to Mr.I.Sathish, Advocate, S.R.No.66920  
+1cc to the Government Pleader, S.R.No.67523

W.P.No.8867 of 2021

RSI (CO)  
SB (03/01/2022)