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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P. NOS. 7935 & 8421 OF 2021

S. Shakunthalamani

... Petitioner in
W.P.No.7935 of 2021

1. Saroja
2. Jayanthi
3. Kannammal
4. Saraswathi
5. Karthikeyan

... Petitioners in
W.P.No.8421 of 2021

Vs

1. The Managing Director,
Tamil Nadu Housing Board,
No.435, Anna Salai,
Chennai - 18.

2. The District Collector,
Erode District, Erode.

3. The Revenue Divisional Officer,
Brough Road, Erode - 1.

... Respondents in both W.Ps.

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to disburse the entire compensation as fixed in LAOP No.6 of 2004, dated 31.07.2015 on the file of the Sub Court, Erode together with interest to the petitioners' bank account.



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In both W.Ps

For Petitioners : Mr.C.Prakasam

For R1 : Mr.C.Emalias

For R2 & R3 : Mr.Yogesh Kannadasan
Government Advocate

COMMON ORDER

These Writ Petitions have been filed for issuance of Writ of Mandamus, directing the respondents to disburse the entire compensation as fixed in LAOP No.6 of 2004, dated 31.07.2015 on the file of the Sub Court, Erode together with interest to the petitioners' bank account.

2. Heard, Mr.C.Prakasam, learned counsel appearing for the petitioners and Mr.C. Emalias, learned counsel appearing for the first respondent and Mr.Yogesh Kannadasan, learned Government Advocate appearing for the second and third respondents.

3. The case of the petitioners is that the petitioners owned their respective lands in Survey No.415 situated at Erode. The said land was acquired by the respondents and the Land Acquisition Officer passed an award in Award No.5 of 1980, dated 02.04.1980. According to the petitioners, the Land Acquisition Officer had fixed very meagre amount for which the land acquired from the petitioners and as such, the award was referred before the Referral Court under Section 18 of the Land Acquisition Act, 1894. After reference in LAOP No.6 of 2004, the Sub Court, Erode, determined the value of the compensation by an award dated 31.07.2015 at Rs.7/- per sq.ft. Even then, the respondents did not deposit the compensation amount as enhanced in LAOP No. 6 of 2004, dated 31.07.2015.

4. Mr.C.Emalias, learned counsel appearing for the first respondent submitted that the first respondent deposited a sum of Rs.1,63,81,872/- (Rupees one crore sixty three lakhs eighty one thousand eight hundred and seventy two only) after deducting a sum of Rs.18,20,208/- (Rupees eighteen lakhs twenty thousand two hundred and eight only) from the total award amount



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of RS.1,82,00,280/- (Rupees one crore eighty two lakhs two hundred and eighty only) for the total extent of land ad-measuring 8.84 acres. He further submitted that out of 8.84 acres, 90 cents were re-conveyed to the respective land owners.

5. Considering the above submission, the petitioners are directed to file necessary application before the Referral Court for disbursement of compensation for their respective land and on receipt of such application, the Court below is directed to disburse the same in accordance with law.

6. With the above direction, both the writ petitions are disposed of. No costs.

Sd/-
Assistant Registrar(CS-VIII)

// True Copy //

Sub Assistant Registrar

Lpp

To

1. The Managing Director,
Tamil Nadu Housing Board,
No.435, Anna Salai,
Chennai - 18.
2. The District Collector,
Erode District, Erode.
3. The Revenue Divisional Officer,
Brough Road, Erode - 1.
4. The Sub Judge,
Erode.

+1cc to the Government Pleader, S.R.No.57886

W.P. Nos. 7935 & 8421 of 2021

AD(CO)
RLP(26/11/2021)