



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2021

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.NO. 11555 OF 2021

Dr.V.Sachithanantham

..Petitioner

Versus

1. Secretary to Government of Tamil Nadu,
Housing & Urban Development Department,
Fort St.George,
Chennai-600 009.

2.The Managing Director,
Tamil Nadu Housing Board,
Nandanam,
Chennai-600 035.

3.The District Collector,
Erode District,
Erode-638 011.

4.The Revenue Divisional Officer,
(In charge Land acquisition),
Brough Road,
Erode-638 001.

5.The Executive Engineer,
Tamil Nadu Housing Board,
Sampath Nagar,
Erode-638 011.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to disburse the award amount of Rs.76,24,918/- together with interest at the rate of 15% from the date of the 4th respondent's letter dated 18.11.2020 up to the date of disbursement of the total award amount to the petitioner and the claimants within a stipulated time as fixed by this Court.



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For Petitioner : Mr.R.Karthikeyan

For Respondents : Mr.V.Veluchamy,
Government Advocate [for R1, R3 & R4]
Mr.C.Emalias [for R2 & R5]

O R D E R

This Writ Petition is filed for issuing a Writ of Mandamus, directing the respondents to disburse the award amount of Rs.76,24,918/- together with interest at the rate of 15% from the date of the 4th respondent's letter dated 18.11.2020 up to the date of disbursement of the total award amount to the petitioner and the claimants within a stipulated time as fixed by this Court.

2. The petitioner's father one R.Vivekanantham owned a land in S.No.763/1 measuring to an extent of 1.00.00 hectare. In this, the petitioner is entitled for 1/3rd share. The said land has acquired by the Government for Housing Board, Erode and passed an award in L.A.No.1/1995 dated 22.05.1995 for a very meagre amount and the same was not accepted by the land owners. Then the Special Tahsildar, Land Acquisition had referred the matter under Section 18 of the Land Acquisition Act, 1894 before Civil Court, Erode. The 1st Additional Subordinate Judge, Erode in LAOP No.11/2005 dated 01.09.2017 has passed an award fixing Rs.30/- per sq.ft., based on the Judgment of the Hon'ble Supreme Court in Civil Appeal No.6127-6128 of 2011 dated 01.08.2011 which was again confirmed in its Review Petition No.1836-1837 of 2015.

3. The petitioner's father R.Vivekanantham, had given several representations to the respondents herein for the payment of the above award amount, but, no steps have been taken by the Authorities to pay the compensation amount. Thereafter, the 4th respondent had issued letter dated 18.11.2020 to the 2nd respondent requesting to issue a cheque in favour of the claimants but the 2nd respondent has not taken any steps to pay said award amount to the claimants. Subsequently, the petitioner sent notice to the respondents dated 17.03.2021, the same has been received by the respondents on 18.03.2021, 19.03.2021 and 22.03.2021. But, no action has been taken to disburse the said amount to the petitioner. Hence, the petitioner has come forward before this Court with the present writ petition.

4. The learned counsel for the petitioner submitted that on the earlier occasion, the learned counsel for the Housing Board stated that they have already initiated the process of disbursing the award amount to the claimants, but, till date, no



amount was paid by the Housing Board, in respect of repeated requests made by the petitioner as well as the counsel for the Housing Board and the Department is to disburse the award amount to the petitioner. Therefore, there is no other option except this Court to direct the 2nd respondent to disburse the said award amount to the claimants within a period of stipulated period.

5. Heard the learned counsel for both sides.

6. Considering the same, this Writ Petition is allowed with a direction to the 2nd respondent to disburse the award amount of Rs.76,24,918/- together with interest at the rate of 15% from the date of the 4th respondent's letter dated 18.11.2020 up to the date of disbursement of the total award amount to the petitioner and the claimants within a period of Six Weeks from the date of receipt of a copy of this order. Failing which, the Government shall proceed against the inaction of the concerned Officer of the 2nd respondent/Tamil Nadu Housing Board, who have not processed the claim of the petitioner. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ssn

To

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5.The Executive Engineer,
Tamil Nadu Housing Board,
Sampath Nagar,
Erode-638 011.

+1cc to Mr.R.Karthikeyan, Advocate, S.R.No.54510
+1cc to the Government Pleader, S.R.No.55096

W.P.No.11555 of 2021

KSM(CO)
PM/08/12/2021