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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2021

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.NO.11968 OF 2020

Karupayyammal

...Petitioner

Versus

1.The District Collector,
Erode District, Erode - 11.

2.The Revenue Divisional Officer,
Brough Road, Erode, Erode District.

3.The Executive Engineer / Administrative Officer
Tamil Nadu Housing Board,
Surampatti Nall Road,
Erode - 638 009.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 2 and 3 to disburse the compensation as fixed by the first respondent in his proceedings Na.Ka.No.54522/1990/B1, dated 02.07.2019 within stipulated time as fixed by this Court.

For Petitioner : Mr.C.Prakasam

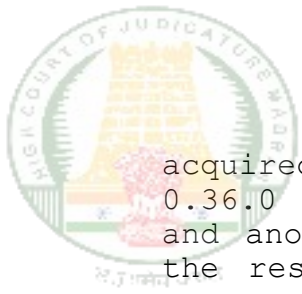
For Respondents 1 & 2 : Mr.V.Veluchamy
Government Advocate

For Respondent 3 : Mr.C.Emalias

O R D E R

This writ petition is filed for issuance of writ of mandamus directing the respondents 2 and 3 to disburse the compensation as fixed by the first respondent in his proceedings Na.Ka.No.54522/1990/B1, dated 02.07.2019 within stipulated time as fixed by this Court.

2. The case of the petitioner is that her husband one Samiyappa Gounder is the owner of the land situated in S.Nos.455/2, 455/3 and 455/4, Erode C Village, Erode Taluk & District and that in the year 1991 the Tamil Nadu Government



acquired the land for Tamil Nadu Housing Board to an extent of 0.36.0 Hectare in S.No.455/2 and 0.40.0 hectare in S.No.455/3 and another extent of 0.40.0 Hectare in S.No.455/4. After that the respondents passed award in the year 1994, by fixing the compensation at the rate of Rs.37,500/- per acre. It is stated that against the said award, the husband of the petitioner approached the first respondent and made an application under Section 18 of the Land Acquisition Act and the same has been referred to Sub Court in L.A.O.P. No.5 of 2005. It is further stated that the learned Additional Sub Judge, Erode, disposed of the said L.A.O.P. by enhancing the compensation at the rate of Rs.20/- per sq.ft. Aggrieved by that order, the third respondent approached this Court and filed an appeal in A.S. No.833 of 2006 and this Court reduced the enhanced compensation fixed by the Sub Court as Rs.8/- per sq.ft. It is stated that adjacent land owners approached the Hon'ble Supreme Court challenging the First Appeal in A.S. No.996 of 2003 and the Hon'ble Supreme Court has passed the following order:

"we further direct the respondents and the State of Tamil Nadu to pay the same amount of compensation to other land owners whose land was acquired by notification dated 22.05.1991 but who may have on account of ignorance, poverty and other similar handicaps, not been able to approach the Reference Court or may not have been able to contest the matter before the High Court and this Court. The needful be done in respect of other landowners within a period of six months. This direction has been given in exercise of the power vested in this Court under Article 142 of the Constitution."

3. It is stated that the petitioner approached the respondents and made several written representations from the year 2013. But the respondents have not passed any orders complying the order of the Hon'ble Supreme Court. It is further stated that since the subject land in Apex Court order and the petitioner's acquired lands are under same notification, the District Revenue Officer, Erode sent communication to the second respondent to look over the matter. The grievance of the petitioner is that till today the respondents have not fixed the enhanced compensation and not disbursed the said enhanced compensation as per the order of Hon'ble Apex Court.

4. It is stated that the petitioner filed a writ petition in W.P. No.3470 of 2019 seeking direction to direct the respondents to fix the enhanced compensation for the petitioner's land situated in S.Nos.455/2, 455/3 and 455/4, Erode C Village, Erode Taluk & District to the extent of 0.36.0 hectare in S.No.455/2 and 0.44.0 Hectare in S.No.455/3 and another extent of 0.40.0 hectare in S.No.455/4 for 1/3rd share by taking note of the order



passed in Special Leave to Appeal (Civil) No.867-868/2012, dated 05.07.2013 by disposing the written representation made by the petitioner on 17.12.2018 within the stipulated time. This Court, by order dated 06.02.2019, directed the first respondent therein to consider the petitioner's representation dated 17.12.2018 on merits and in accordance with law and in the light of judgment of Hon'ble Supreme Court, within a period of eight weeks from the date of receipt of a copy of the order. It is further stated that the first respondent passed orders in Na.Ka.No.54522/1990/B1, dated 02.07.2019, considering at the rate of Rs.20/- per sq.ft. and to calculate the 12% interest from the date of 4(1) notification till the award dated 10.06.1994 and also 30% solatium to be calculated along with the total compensation and deduct from the total compensation, if any received by the petitioner and also the 9% interest to be calculated from the date of possession taken by the Government for the period of one year. After lapse of 1 year, 15% interest should be calculated till the date of total compensation paid to the petitioner. The main grievance of the petitioner is that though the first respondent passed order on 02.07.2019, the second and third respondents are not inclined to disburse the same. Despite several representations made by the petitioner, the respondents 2 and 3 have not disbursed the compensation to the petitioner. Aggrieved by the same, the petitioner approached this Court by way of filing this writ petition.

5. Learned counsel for the petitioner submitted that even though the first respondent passed orders to consider the rate of Rs.20/- per sq.ft and to calculate interest at the rate of 12% from the date of 4(1) notification, the respondents 2 and 3 have failed to do so. He further submitted that unless this Court directs the respondents 2 and 3 to disburse the compensation as fixed by the first respondent in his proceedings in Na.Ka.No.54522/1990/B1, dated 02.07.2019, the petitioner will be put to irreparable loss and hardship.

6. Learned counsel appearing for the third respondent submitted that the respondent Tamil Nadu Housing Board has deposited the admitted amount before the District Revenue Officer, Erode and that the petitioner was permitted to withdraw the same after filing protest and remaining amount will be paid subject to the outcome of the writ petition. After calculating interest, the amount to be paid is Rs.48,68,632/- on the date of signing of the proceedings. In the proceedings in ep/v/01-90-j/eh/tP/th/-m3 dated 30.11.2020, it is stated that the total amount to be paid to the petitioner is Rs.48,68,632/- and the matter has been recommended and forwarded to the Executive Engineer, Tamil Nadu Housing Board, Erode. The said amount was calculated up to 30.11.2020 and further interest to be calculated from 30.11.2020 till the date of depositing the



amount. Learned counsel for the third respondent submits that the calculation rendered by the Revenue Divisional Officer, Erode, is correct and that the third respondent has to pass appropriate orders by paying the amount to the petitioner.

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7. Considering the facts and circumstances of the case, this Court directs the third respondent to calculate the amount as per the calculation of Revenue Divisional Officer, Erode, in his proceedings dated 30.11.2020 and pass appropriate orders and pay the amount within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

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To

- 1.The District Collector,
Erode District, Erode - 11.
- 2.The Revenue Divisional Officer,
Brough Road, Erode, Erode District.
- 3.The Executive Engineer / Administrative Officer,
Tamil Nadu Housing Board,
Surampatti Nall Road,
Erode - 638 009.

+1cc to the Government Pleader Sr.No.54259

W.P.No.11968 of 2020

SSI (CO)
RVM(11/02/2022)