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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2021

CORAM

THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN

WP.No.12108 of 2017

1.P.Rajendran
2.P.Murugesan

...Petitioners

Vs

1.The District Collector,
Namakkal District,
Namakkal

2.The Revenue Divisional Officer / Special Tahsildar(LA),
Land Acquisitioning Officer,
Master Plan Complex,
Namakkal

...Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents herein to pay the compensation for the lands acquired in S.No.324/2 measuring an extent of 0.73.5 hectares in Siluvampatti Village, Namakkal Taluk and District belonging to the petitioners by passing award at the rate of Rs.35/- per sq.ft. along with 30% solatium and 12% additional amount and interest at the rate of 15% from the date of taking possession based upon the judgment rendered by this Court in AS.No.110 to 278 of 2015 dated 17.08.2015 based upon the representation of the petitioners dated 05.10.2016 within a time frame as fixed by this Court.

For Petitioners : Mr.R.Bharanidharan

For Respondents : Mr.Richardson Wilson,
Government Advocate



ORDER

This writ petition is filed to issue a Writ of Mandamus directing the respondents herein to pay the compensation for the lands acquired in S.No.324/2 measuring an extent of 0.73.5 hectares in Siluvampatti Village, Namakkal Taluk and District belonging to the petitioners by passing award at the rate of Rs.35/- per sq.ft. along with 30% solatium and 12% additional amount and interest at the rate of 15% from the date of taking possession based upon the judgment rendered by this Court in AS.No.110 to 278 of 2015 dated 17.08.2015 based upon the representation of the petitioners dated 05.10.2016 within a time frame as fixed by this Court.

2. The land comprised in S.No.324/2 situated at Siluvampatti Village, Namakkal Taluk and District admeasuring 0.73.5 hectares originally belonged to late Muthu Gounder who died on 15.09.1999. While being so, the second respondent issued notification under Section 4(1) of the Land Acquisition Act, 1894 on 05.06.1998 for the purpose of constructing master plan complex. Thereafter, Section 6 declaration was made on 24.06.1998. Some of the land owners questioned the acquisition proceedings in WP.No.4082 of 1999 and obtained interim orders. However, those writ petitions were subsequently withdrawn by them and award has been passed for the land situated around the petitioner's land in award No.2 of 1998. Thereafter, the land owners sought for reference under Section 18 of the said Act and culminated in LAOP.Nos.5 of 2007 to 173 of 2007. Referral court by judgment and decree dated 12.02.2014 determined the value of the land at Rs.26/- per sq.ft. It was challenged by the Government in AS.Nos.110 to 278 of 2015 batch and all the appeal suits were dismissed by this Court by the judgment and decree dated 17.08.2015 upholding the compensation awarded by the reference court. However, the respondents failed to pass award in respect of the subject land. Therefore, the petitioners submitted representation to request the respondents to pass award as per the value determine by this Court.

3. Considering the above, the second respondent is directed to pass award for the lands comprised in S.No.324/2 measuring an extent of 0.73.5 hectares in Siluvampatti Village, Namakkal Taluk and District belonging to the petitioners by passing award at the rate of Rs.35/- per sq.ft. along with 30% solatium and 12% additional amount and interest at the rate of 15% from the date of taking possession based upon the judgment rendered by this Court in AS.No.110 to 278 of 2015 dated 17.08.2015 based upon the representation of the petitioners dated 05.10.2016 which was already acquired for the purpose of master plan complex within a period of eight weeks from the date of receipt of copy of this order, if not already passed.



4. With the above direction, this writ petition is disposed of. No order as to costs.

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Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Namakkal District,
Namakkal

2.The Revenue Divisional Officer / Special Tahsildar(LA),
Land Acquisitioning Officer,
Master Plan Complex,
Namakkal

+1cc to R.Karthikeyan, Advocate Sr No.57206

WP.No.12108 of 2017

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