

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2021

CORAM: JUSTICE N.SESHASAYEE

WP.NO.32663 OF 2019 &
W.P.NO.17586 OF 2020

W.P.No.32663 of 2019

- 1.Thiru Velusamy
- 2.Thiru. G.Thandapani
- 3.Thiru Kuppusamy
- 4.Thiru.Palanisamy Gounder
- 5.Thiru Velusamy
- 6.R.Subramani

...Petitioners

-Vs-

- 1.The Additional Secretary to Government,
Public Works Department,
Chennai - 600 009.
- 2.The Collector,
Palladam Road,
Thirupur District.
- 3.The Executive Engineer,
Public Works Department,
Amaravathi Vadi Nelakottam,
Dharapuram.

...Respondents

W.P.No.17586 of 2020

Palanisamy

...Petitioner

-Vs-

1. The Additional Secretary to Government,
Public Works Department,
Chennai - 600 009.
2. The District Collector,
Palladam Road,
Thirupur District.
3. The Executive Engineer,
Public Works Department,
Amaravathi Vadi Nelakottam,
Dharapuram.

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4. The Secretary to Government,
Public Works Department,
Fort St.George,
Chennai - 600 009.

5. The Secretary to Government,
Finance Department,
Fort.St. George,
Chennai - 600 009.

6. The Chief Secretary to Government,
Fort St George, Chennai - 600 009.

...Respondents

(R4 to R6 suo moto impleaded vide order
dt 18/01/2021 made in W.P.17586/2020
by NSSJ)

Common Prayer: Writ Petition is filed under Article 226 of the
Constitution of India, to issue a Writ of Mandamus, directing
the 1st Respondent to dispose petitioners representation dated
31.10.2019 within time framed manner.

W.P.No.32663 of 2019

For Petitioner : Mr.K.Sudhakar
For R1 to R3 : Mr.S.R.Rajagopalan
Additional Advocate General
Asst. by Mr.D.Raja,
Additional Government Pleader

W.P.No.17586 of 2020

For Petitioner : Mr.K.Sudhakar
For R1 to R6 : Mr.S.R.Rajagopalan
Additional Advocate General
Asst. by Mr.V.Ananthamurthy
Additional Government Pleader

COMMON ORDER

The Writ Petitions have been filed for a writ of
Mandamus, directing the 1st Respondent to dispose petitioners
representation dated 31.10.2019 within time framed manner.

2.The case of the petitioner is that the property of the
petitioners was force-used by the Public Works Department in
connection with the construction of certain canal for its
Amaravathi Irrigation Project. The property was not acquired for
close to 20 years and after considerable reluctance, the
Authorities have initiated action to acquire the land.
Negotiations were over, and final Award only needed to be
passed. It is in these circumstances, the petitioners have

approached this Court with these applications, one filed in 2019 and another in 2020.

3.Mr.S.R.Rajagopalan, learned Additional Advocate General as instructed by D.Raja, learned Additional Government Pleader and Mr.V.Anandhamurthy, learned Additional Government Pleader separately has been updating the Court about the movement towards passing the Award and disbursement of compensation.

4.Today, the learned Additional Advocate General made a statement that the compensation amount payable is ready with the Government but, as per the instructions of the Election Commission, every payment by the Government should have the concurrence of the Election Commission, and sought some more time for payment till after the Election. He also submitted that the elections is not far away and is scheduled to take place in about two weeks time from now.

5.The submissions of the learned Additional Advocate General is appreciated. However, this Court appreciates the agony and anxiety of the petitioners more. After all, the payment which the Government is now required to make to the petitioners is not any incentive or anything new, has become payable post the notification of Election on 02.03.2021, but, it was an outstanding debt payable by the Government to the petitioners, something which it ought to have paid about a quarter of a century ago. Necessarily, this Court requires the Government to route this payment to the Election Commission, so that at least the agony of these petitioners who are before the Court is wiped away to the extent possible by the co-operation of the all concerned.

6.The Respondents are now directed to get approval or concurrence from the Election Commission to make the payment at the very earliest. This Court expects that the Authorities concerned, including the Election Commission, to show adequate respect to the order of this Court as contemplated in Article 261 of the Constitution.

7.The Writ Petition is accordingly disposed of. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Tsg

To

1. The Additional Secretary to Government,
Public Works Department,
Chennai - 600 009.
 2. The District Collector,
Palladam Road,
Thirupur District.
 3. The Executive Engineer,
Public Works Department,
Amaravathi Vadi Nelakottam,
Dharapuram.
 4. The Secretary to Government,
Public Works Department,
Fort St.George,
Chennai - 600 009.
 5. The Secretary to Government,
Finance Department,
Fort.St. George,
Chennai - 600 009.
 6. The Chief Secretary to Government,
Fort St George, Chennai - 600 009.
- +1cc to Mr.K.Sudhakar, Advocate, S.R.No.18673

Order made in
WP.No.32663 of 2019 &
W.P.No.17586 of 2020

PVS (CO)
KKV/23/03/2021

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