



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.4990 of 2022
and
W.M.P.No.5108 of 2022

1. Dhanalakshmi
2. Chandramathi

... Petitioners

Vs.

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,
Nandhanam, Chennai.
3. The District Collector of Erode,
Erode Collectorate,
Perundurai Road, Erode,
Erode District 638 011.
4. The Special Tahsildar,
Land Acquisition in-charge
Revenue Divisional Officer,
Brough Road, Erode-1.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to disburse the award amount of Rs.30/per square feet along with compensation, interest as per order dated 19.03.2020 passed in LAOP No:10/2017 by 1st Additional subordinate Judge Erode to the petitioners within a stipulated time as fixed by this Court.

For Petitioner : Mr.Kathirvelu

For R1, 3, 4 : Mr.G.Krishna Raja
Additional Government Pleader

For R2 : Mr.I.Sathish



O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the respondents to disburse the award amount of Rs.30/per square feet along with compensation and interest as per order dated 19.03.2020 passed in LAOP No:10/2017 by the 1st Additional Subordinate Judge Erode, to the petitioners within a stipulated time as may be fixed by this Court.

2. The case of the petitioners is that the petitioners are the land owners in R.S.No.773/2, measuring an extent of 0.06.0 Hec. and in R.S.No:773/3, measuring an extent of 1.28.0 Hec., situated at Kasipalayam C' village, Erode Taluk, Erode District. The contention of the petitioners is that the petitioners' land was acquired by the Government for the purpose of construction of the houses. The notification under Section 4 (1) of Land Acquisition Act was published on 08.04.1992 and subsequently award No.1/95 dated 22.05.1995 has been passed for Rs.37,500/- per acre, which is very meagre amount to be accepted. Therefore, the petitioners sought reference under Section 18 of Land Acquisition Act before the Civil Court, Erode, in which, the First Additional Subordinate Judge, Erode in LAOP No:10/2017 dated 19.03.2020 passed an award fixing Rs.30/- per sq.feet based on the judgment of the Hon'ble Supreme Court of India in Civil Appeal No:16128/2011, dated 01.08.2011. However, till date, the respondents did not disburse any amount in favour of the petitioners. Hence, the present Writ Petition is filed.

3. The learned counsel for the petitioners submits that, it would suffice, if this Court issues direction to the respondents to implement the order dated 19.03.2020 in LAOP No:10/2017, and pass orders on the same within a particular time frame that may be fixed by this Court.

4. The learned counsel appearing for the respondents has no objection for said order being passed.

5. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, directs the respondents to implement the order dated 19.03.2020 in LAOP No:10/2017, and pass appropriate orders, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.



6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

jd/skt

To

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,
Nandhanam, Chennai.
3. The District Collector of Erode,
Erode Collectorate,
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Erode District 638 011.
4. The Special Tahsildar,
Land Acquisition in-charge
Revenue Divisional Officer,
Brough Road, Erode-1.

+1cc to Mr.I.Sathish, Advocate, S.R.No.14539

+1cc to the Government Pleader, S.R.No.15573

W.P. No.4990 of 2022
and
W.M.P.No.5108 of 2022

MT (CO)
SU (29/03/2022)