

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.35531 of 2015

and

M.P.No.1 of 2015

1.Smt.R.Kamala Ammal

2.R.Gnanasekaran

3.Smt.R.Lalitha

4.R.Raja

5.Smt.V.Vijaya

6.Smt.J.Rani

... Petitioners

Vs.

1. The Special Tahsildar (L.A)
Adi Dravidar Welfare,
Chengam, Tiruvannamalai District.

2. The District Collector,
Tiruvannamalai,
Tiruvannamalai District.

... Respondents

PRAYER: This Writ Petition filed under Section 226 of Constitution of India, pleaded to issue a Writ of Declaration to declare that the land acquisition proceedings in respect of the land comprised in S.F.No.160, Mekkalur Village, Tiruvannamalai Taluk and District, is having lapsed as per Sec.24(2) of the Right to fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013, (Act No.30 of 2013)

For Petitioner : Mr.S.Udayakumar

For Respondents : Mr.V.Veluchamy
Additional Government Pleader

Order

This petition has been filed for issuance of writ of Declaration to declare that the land acquisition proceedings in respect of the land comprised in S.F.No.160, Mekkalur Village, Tiruvannamalai Taluk and District, is having lapsed as per Sec.24(2) of the Right to fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013, (Act No.30 of 2013)

2. The case of the petitioners is that the petitioners' Joint Family was holding an agricultural land in S.F.No.160, measuring an extent of 4 acres 79 cents and the said land was acquired in the year 1981 under the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978, for the purpose of issuing house sites patta and thereafter the Land Acquisition Officer cum Special Tahsildar (Harijan Welfare), had fixed the value of acquired land @ Rs.37 per cent and after contest the Sub Court by order dated 20.01.1998 had enhanced the value fixed from Rs.37/- to Rs.100/- and the said order was passed with interest @ 12% per annum from the date of acquisition and the father of the petitioners being not satisfied with the enhanced compensation, had filed an Appeal Suit in A.S.No.91 of 1999 before this Court and this Court by its order dated 20.04.2004 had enhanced the compensation amount from Rs.100/- to Rs.150/-. It is the claim of the petitioner that the respondents have failed to pay the enhanced compensation despite several requests and further the said land was not put in use for the required purpose. Aggrieved by the non payment of compensation, the present writ petition is filed.

3. The learned counsel appearing for the petitioners submitted that though the respondents claimed that they have deposited some amount of compensation through demand draft, further enhanced amount as per the order of this Court in Appeal Suit, was not deposited. Hence this Court may issue direction to the District Collector to deposit the entire compensation amount as per the order of this Court in A.S.No.91 of 1999, dated 20.04.2004.

4. The learned Additional Government Pleader on instructions submitted that the entire compensation amount as awarded by this Court in the Appeal Suit will be deposited within a period of two months from the date of receipt of a copy of this order.

5. This Court after perusing the entire materials and in view of the submission made by the learned Additional Government Pleader, is inclined to issue direction to the 2nd respondent District Collector to deposit the entire compensation amount as awarded by this Court in A.S.No.91 of 1999, dated 20.04.2004,

within a period of twelve weeks from the date of receipt of a copy of this order.

6. This Writ Petition is disposed of with the above terms. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Special Tahsildar (L.A)
Adi Dravidar Welfare,
Chengam, Tiruvannamalai District.
2. The District Collector,
Tiruvannamalai,
Tiruvannamalai District.

+lcc to Mr.S.Udayakumar, Advocate, S.R.No.29808

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NSK/20/06/2022