

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.27069 OF 2016

T.Sambandan

... Petitioner

Vs.

1. The District Collector,
Villupuram District,
Villupuram 605 602.
2. Special Thasildar (Land Acquisition)
Tamil nadu Housing Board,
Gundu Salai, Cuddalore New Town.
3. The Executive Engineer,
Tamil Nadu Housing Board,
Maharajapuram, Villupuram 605 602.
4. The Chairman,
Tamil Nadu Housing Board,
Nandanam, Chennai 35.

... Respondents

PRAYER: This Writ Petition filed under Section 226 of Constitution of India, pleased to issue a Writ of Mandamus Directing the Respondents to deliver vacant possession of the Land more fully described in the Schedule hereunder which is said to have been acquired since the Compensation Amount has not been paid despite repeated requests and reminders made both by writing and in person and since the Petitioner is the only surviving legal Heir of Sri C.M.Thandavaraya Mudaliar and since the acquisition proceedings has lapsed in alternate directing the Respondents to pay the Petitioner the enhanced compensation in par with the payments made to the parties of the abovesaid Award NO.2/95 dated 04.01.1995 along with compound interest on the said amount at the rate of 24% per annum from the date of Award i.e. Dated 04.01.1995.

For Petitioner : Mr.S.Natana Rajan
For RR1 and RR2 : Mr.Yogesh Kannadasan
Special Government Pleader
For RR3 and RR4 : Mr.Vanchinathan

Order

This petition has been filed for issuance of writ of Mandamus directing the Respondents to deliver vacant possession of the Land and to pay the Petitioner the enhanced compensation in par with the payments made to the parties of the above said Award NO.2/95 dated 04.01.1995 along with compound interest

2. The case of the petitioner is that his father had bought 4800 sq.ft of land bearing plot nos.15 and 16 of Thiruvalluvar Nagar, Salamedu Village, Koliyanoor Village Panchayat, Villupuram, and his father had passed away on 13.03.1992, leaving behind the petitioner and his mother as the legal heirs and after the death of the mother, a patta was also issued in favour of the petitioner by the Revenue Tahsildar, Villupuram. While so, during September 2003, it came to the knowledge of the petitioner that the Government of Tamil Nadu had acquired 4.09 hectors of land of Salamedu Village for the purpose of implementation of the Neighbourhood Scheme by the Tamil Nadu Housing Board, Madras, which including the land of the petitioner and in that regard, an award was also passed on 04.01.1995, however it is the claim of the petitioner that despite his repeated requests, he could not get the certified copy of the said award. It is further alleged by the petitioner that he and his mother have not been served with any notice and hence, he sent a letter dated 15.09.2003, asking for the disbursement of the compensation amount, however the same did not yield any fruitful result. Therefore, the petitioner sent a letter under the Right to Information Act, wherein he received a reply from the Tamil Nadu Housing Board stating that his petition has been sent to concerned officer and despite of repeated efforts, the compensation has not been paid to him. Aggrieved by the same, the petitioner is before this Court.

3. The learned counsel appearing for the petitioner submitted that in terms of Section 24(2) of the Right to Fair Compensation Act, the acquisition proceedings have to be treated as lapsed and so the respondents have to handover vacant possession of the land and moreover the land sought to be

acquired under the said Award is still lying un-occupied and remaining vacant and hence prays for appropriate order of this Court.

4. The learned Special Government Pleader appearing for the official respondents submitted that the entire compensation amount of Rs.19,71,507/- is deposited in the revenue deposit and subsequently the possession was taken over by the Tamil Nadu Housing board for the entire extent including the petitioner's land and further the Housing Scheme has been proposed in the year 1998 and the layout was approved by LP/DTCP No.338/98 dated 01.03.2001 and the scheme proposal was also approved for Rs.412.98 lakhs. Further it is submitted that all due notices have been served to the land owners as per the procedures of the Land Acquisition Act, 1894 and thereby the official respondents have discharged their duty in accordance with law and therefore, the writ petition filed by the petitioner is devoid of merits and liable to be dismissed.

5. This Court has carefully considered the rival submissions and also perused the materials placed before it.

6. Considering the facts and circumstances, this Court is of the opinion that the petitioner's land was acquired by the Government in the year 1991 and the award was passed on 04.01.1995 in Award no.2/95. On perusal of the counter affidavit, it is clear that the entire compensation amount of Rs.19,71,507/- is deposited in the revenue deposit and subsequently the possession was taken over by the Tamil Nadu Housing board for the entire extent including the petitioner's land and further the Housing Scheme has been proposed in the year 1998 and the layout was approved by LP/DTCP No.338/98 dated 01.03.2001 and the scheme proposal was also approved for Rs.412.98 lakhs and further in that layout, it is seen that nearly 638 plots like HIG-235, MIG 292 and LIG 111 was developed and allotted to general public for the purpose of solving the housing needs and hence, the law laid down under the Land Acquisition Act, has been scrupulously followed. Further, since the petitioner's father passed away in the year 1992, immediately after Section 4 notification, the petitioner could not be able to appear for award enquiry, however it is the duty cast upon the Land Acquisition Officer to forward the copy of the award to the petitioner in terms of Section 12(2) of the Land Acquisition Act and the said provision has not been complied and hence, this Court is inclined to issue direction to the respondents to forward the award copy to the petitioner to enable him to workout his remedy in the manner known to law for the disbursement of compensation.

7. This Writ Petition is disposed of with the above terms.
No costs.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

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To

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Villupuram District,
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2. The Special Thasildar (Land Acquisition)
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Nandanam, Chennai 35.

+1cc to Mr.N.Siva Prakash, Advocate, S.R.No.29721

+1cc to the Government Pleader, S.R.No.30906

W.P.No.27069 of 2016

PMK(CO)
RLP(15/06/2022)