



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P. Nos.15824 & 15825 of 2021

1. T.Kannammal
2. D.Rajalakshmi
3. M.Thangamani
4. K.T.Sakthivel
5. M.Thangamuthu
6. Sampooram
7. Prakash
8. Tamilselvi
9. K.S.Thangamani
10. Prabhu

...Petitioners in W.P.No.15824 of 2021

1. R.Muthukumar
2. R.Sivanesan
3. N.Devi

...Petitioners in W.P.No.15825 of 2021

-Vs-

1. The Managing Director,
Tamil Nadu Housing Board,
No.435, Anna Salai, Nandanam,
Chennai - 600 035.
2. The District Collector,
Erode, Erode District.
3. The Revenue Divisional Officer,
Erode, Erode District.

...Respondents in both WPs.

Common Prayer :- Writ Petitions filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the first respondent to disburse the compensation as fixed by the second respondent in his proceedings Na.Ka.5608/2017/B1, dated 19.04.2021 by following the third respondent's calculation memo dated 17.05.2021 to the petitioners within stipulated time as fixed by this Court.



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For Petitioners
in both W.Ps. : Mr.C.Prakasam

For Respondents
in both W.Ps.

For R1 : Mr.I.Sathish
For R2 & R3 : Mr.M.Muthusamy
Government Advocate.

COMMON ORDER

The Writ Petitions have been filed to direct the first respondent to disburse the compensation as fixed by the second respondent in his proceedings Na.Ka.5608/2017/B1, dated 19.04.2021 by following the third respondent's calculation memo dated 17.05.2021 to the petitioners within stipulated time as fixed by this Court.

2. Heard Mr.C.Prakasam, learned counsel appearing for the petitioners, Mr.I.Sathish, learned counsel appearing for the first respondent and Mr.M.Muthusamy, learned counsel appearing for the respondents 2 & 3.

3. The case of the petitioners is that they owned land in S.Nos.806/1B and 806/3, situated at Erode C-Village, Kasipalayam Village, Erode District. The Government of Tamil Nadu has acquired the said lands for the Tamil Nadu Housing Board and the award was passed in Award No.1 of 1995. Since the petitioners name were not found in the said award, the case was referred under Section 30 of the Land Acquisition Act (herein after referred to as "the Act"), in L.A.O.P.Nos.14 and 1 of 2004 before the Additional District Court, Erode, and the said Court passed order declaring that the petitioners are entitled to get compensation. At the insistence of some of the land owners, the case referred under Section 18(1) of the Act, in L.A.O.P.No.11 of 2005 before the First Additional Sub Court, Erode and by an order dated 01.09.2017 enhanced the compensation amount for the subject land.

4. Thereafter, the petitioners made representation before the first respondent under Section 28-A of the Act, seeking enhancement of compensation amount. It was considered by the second respondent and he passed order dated 19.04.2021 and fixed compensation by taking note of the award passed in L.A.O.P.No.11 of 2005 dated 01.09.2017. However, even till today no compensation amount has been disbursed by the first respondent. Though the petitioners made frequent request, it was not considered by the respondents.

5. Considering the above facts and circumstances of the case, the first respondent is directed to disburse the compensation as fixed by the second respondent by his proceedings dated 19.04.2021 in Na.Ka.No.5608/2017/B1, within



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

6. With the above directions, both the Writ Petitions are allowed. There shall be no order as to costs.

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Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

rts

To

- 1.The Managing Director,
Tamil Nadu Housing Board,
No.435, Anna Salai, Nandanam,
Chennai - 600 035.
- 2.The District Collector,
Erode, Erode District.
- 3.The Revenue Divisional Officer,
Erode, Erode District.

+lcc to Mr.I.Sathish, Advocate SR. No.1050
+lcc to Government Pleader SR. No.1674

W.P. Nos.15824 & 15825 of 2021

SRA (CO)
PR (25/01/2022)