



W.P.Nos.17046 & 17048 of 2022

M. DHANDAPANI, J.

This petition has been listed under the caption “For being mentioned” at the instance of the learned counsel for the petitioner seeking clarification in respect of para 3 & 5 of the order dated 04.07.2022 passed by this Court.

2. Learned counsel for the petitioner submits that, in para 3 & 5 of the order dated 04.07.2022 Civil Appeal numbers have been inadvertently mentioned as 9526 to 9530 of 2018, and the same may be corrected as Civil Appeal Nos.9531 & 9532 of 2018 and necessary corrections may be carried out and a fresh order copy may be issued.

3. In such view of the matter, Civil Appeal Nos.9526 to 9530 of 2018 as appearing in para 3 & 5 of the order dated 04.07.2022 shall stand corrected as under:

“3. The learned Counsel submitted that it would suffice if this Court issues direction to the 5th respondent to deposit the amount as per the order passed by the Hon'ble Apex Court in Civil Appeal Nos.9531 & 9532 dated 12.09.2018, within a reasonable time as fixed by this Court.



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M. DHANDAPANI, J.

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5. Considering the above facts and circumstances, this Court without going into the merits of the matter, issues direction to the 5th respondent to deposit the amount as per the order passed by the Hon'ble Apex Court in Civil Appeal Nos.9531 & 9532 of 2018 dated 12.09.2018 within a period of twelve weeks from the date of receipt of a copy of this order.”

4. Registry is directed to make necessary corrections in the order dated 04.07.2022 and issue fresh order copy to the parties.

02.12.2022

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W.P.Nos. 17046 & 17048 of 2022

02.12.2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.07.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.17046 and 17048 of 2022

R.Chandra ... Petitioner in W.P.No.17046/2022
Rep by P.O.A. Agent D.Narayanan
D.Suresh Kumar ... Petitioner in W.P.No.17048/2022
Rep by P.O.A. Agent D.Narayanan

VS

- 1.The Additional Chief Secretary,
Water Resources Department (W.R.D),
Government of Tamil nadu,
Secretariat, Chennai 600 009.
- 2.The District Collector,
Kancheepuram District,
Kancheepuram 631 502.
- 3.The Executive Engineer (W.R.D),
Kosasthalaiyar Basin,
Thiruvallur 602 001.
- 4.The Chief Engineer (W.R.D)
Chennai Region, Chepauk,
Chennai 600 005.
- 5.The Special Tahsildar (L.A),
Chennai City Waterways Scheme,
Ambattur, Chennai 600 053. ... Respondents in both petitions

Common Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the Respondents herein to deposit the balance compensation amount to the credit of L.A.O.P. No. 1429 and 1443 of 2008 on the file of Sub Court, Kancheepuram, pursuant to the Judgement of the Honble Supreme Court of India New Delhi dated 12.09.2018 made in civil Appeal No. 9531 of 2018 by fixing time limit.



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For Petitioner in both petitions
For Respondents in both petitions

: Mr.S.Subramanian
: Mr.G.Krishna Raja
Additional Government Pleader

Common Order

These petitions have been filed for issuance of writ of Mandamus directing the Respondents herein to deposit the balance compensation amount to the credit of L.A.O.P. No. 1429 and 1443 of 2008, on the file of Sub Court, Kancheepuram, pursuant to the Judgement dated 12.09.2018 made in civil Appeal No. 9531 of 2018.

2. The case of the petitioners is that petitioner's lands in Thirumudivakkam Village in various survey numbers, totalling an extent of 1.70.0 hectares and 2.87.0 hectares were acquired under Section 4(1) notification dated 19.01.2006 for the purpose of improvements to Chembarabakkam Tank Surplus Course and widening the channel under improvement of Chennai City Water Ways Scheme and an award was passed on 20.11.2007 and not being satisfied with the award, the petitioners sought for a reference and upon which, a reference for enhancement was made in LAOP.Nos.1429 and 1443 of 2008 and the Reference Court without properly considering the documents has awarded only a sum of Rs.29,430/-

per cent and has not granted any compensation for severance or for loss of business income and as against the judgment and decree, the claimant has



filed an appeal in A.S.Nos.19 and 20 of 2012 for further enhancement and the Land Acquisition Officer has also filed A.S.No.31 and 32 of 2015 and the appeals were disposed by this Court on 17.11.2017 granting further enhancement by allowing the claimant appeal by fixing the market value at Rs.39,240/- per cent and the appeals filed by the Land Acquisition Officer in A.S.No.31 of 2015 has been dismissed. Furthermore, the claimant has preferred further appeal before the Hon'ble Supreme Court in Civil Appeal No.9531 and 9532 of 2018 and the Apex Court fixed the market value at Rs.50,000/- per cent and since the amount has not been deposited, the claimant has filed Execution petition nos.62 and 63 of 2019 before the Lower Court for recovery of the balance amount by attachment and inspite of the order of attachment, the compensation amount has not been deposited till date to the credit of the LAOPs. Aggrieved by the non payment of balance amount of compensation, the petitioners are before this Court.

3. The learned counsel appearing for the petitioners submitted that it would suffice if this Court issues direction to the 5th respondent to deposit the amount as per the order passed by the Hon'ble Apex Court in Civil Appeal Nos.9526 to 9530 of 2018, dated 12.09.2018, within a reasonable time as fixed by this Court.

4. The learned Additional Government Pleader appearing for the official respondents has no serious objections for the said order being passed.



5. Considering the above facts and circumstances, this Court without going into the merits of the matter, issues direction to the 5th respondent to deposit the amount as per the order passed by the Hon'ble Apex Court in Civil Appeal Nos.9526 to 9530 of 2018, dated 12.09.2018, 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.

04.07.2022

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To

1. The Additional Chief Secretary,
Water Resources Department (W.R.D),
Government of Tamil nadu,
Secretariat, Chennai 600 009.

2. The District Collector,
Kancheepuram District,
Kancheepuram 631 502.

3. The Executive Engineer (W.R.D),
Kosasthalaiyar Basin,
Thiruvallur 602 001.

4. The Chief Engineer (W.R.D)
Chennai Region, Chepauk,
Chennai 600 005.

5. The Special Tahsildar (L.A),
Chennai City Waterways Scheme,
Ambattur, Chennai 600 053.



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