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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2022

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.24898 of 2021

P.Kuppuswamy

...Petitioner

-Vs-

1. The Managing Director,
Tamil Nadu Housing Board,
C.M.D.A.Building Campus,
Koyambedu, Chennai - 600 107.
2. The District Revenue Officer,
Tamil Nadu Housing Board,
C.M.D.A.Building Campus,
Koyambedu, Chennai - 600 107.
3. The Special Tahsildar,
Land Acquisition - Unit 2,
Tamil Nadu Housing Board,
C.M.D.A.Building Campus,
Koyambedu, Chennai - 600 107.

...Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents herein to deposit the balance compensation amount to the credit of LAOP No.80 of 1984 on the file of Subordinate Judge, Poonamallee pursuant to the Judgment and Decree of this Hon'ble Court, dated 18.04.1998 made in A.S.No.1003 of 1986 and as per order of the Hon'ble Supreme Court of India, New Delhi, dated 05.12.2003 made in Civil Appeal Nos.9616 of 2003 and 9617 of 2003 by fixing a time limit.

For Petitioner : Mr.M.S.Subramanian
For R2 and R3 : Mr.G.Ameedius
Government Advocate

ORDER

This Writ Petition has been filed for the issuance of Writ of Mandamus, directing the respondents herein to deposit the balance compensation amount to the credit of LAOP No.80 of 1984 on the file of Subordinate Judge, Poonamallee pursuant to the Judgment and Decree of this Hon'ble Court, dated 18.04.1998



made in A.S.No.1003 of 1986 and as per order of the Hon'ble Supreme Court of India, New Delhi, dated 05.12.2003 made in Civil Appeal Nos.9616 of 2003 and 9617 of 2003 by fixing a time limit.

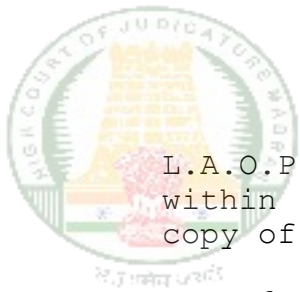
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2. Heard Mr.M.S.Subramanian, learned counsel appearing for the petitioner and Mr.G.Ameedius, learned Government Advocate appearing for the respondents 2 and 3.

3. The petitioner owned land comprised in Survey No. 592, ad-measuring 1.29 acres situated at Mogappair Village now in Ambattur Taluk, Tiruvallur District. While being so, the respondents acquired the subject land for the purpose of Ambattur Neighbourhood Schemes. After acquisition of the subject land, the award was passed in Award No.09 of 1983, dated 30.05.1983 by fixing the market value of the subject land at Rs.210/- per cent. The said award amount was received under protest and requested for reference under Section 18 of the Land Acquisition Act, 1894 for enhancement of compensation. It was referred to the Sub Court, Poonamallee in L.A.O.P.No.80 of 1984 and enhanced the market value at Rs.654/- per cent by a Judgment and Decree, dated 28.10.1985. Accordingly, a sum of Rs.1,55,271/- had been deposited by the third respondent.

4. The claimant had filed an appeal as against the LAOP Judgment, in A.S.No.1003 of 1986, for further enhancement before this Court. This Court enhanced the compensation by fixing a market value at Rs.760/- per cent by a Judgment and Decree, dated 18.04.1998. However, the claimant was not granted 12% additional amount on the market value under Section 23(1) A of the Land Acquisition Act, 1894. Therefore, the claimant had filed appeals before the Hon'ble Supreme Court of India in Civil Appeal Nos.9616 and 9617 of 2003 and the same was allowed on 05.12.2003. The Hon'ble Supreme Court of India held that the claimants are entitled to get 12% additional amount on the market value from the date of 4(1) notification of the Land Acquisition Act, 1894, i.e. 12.11.1975 to the date of the award i.e. 30.05.1983. On the strength of the order passed by the Hon'ble Supreme Court of India, the petitioner filed an execution petition in E.P.No.66 of 2018 for recovery of a sum of Rs.4,82,722/- on the file of the Sub Court, Poonamallee. Though, the attachment was ordered, it cannot be executed for non-availability of Village Administrative Officer. Therefore, the petitioner approached this Court for direction, directing the respondents to deposit the balance compensation amount.

5. Considering the above, the third respondent is directed to deposit the balance compensation amount as ordered by the Hon'ble Supreme Court of India in Civil Appeal Nos.9616 and 9617 of 2003 by an order dated 05.12.2003 to the credit of



L.A.O.P.No.80 of 1984 on the file of the Sub Court, Poonamallee, within a period of eight weeks from the date of receipt of a copy of this order, if not already deposited.

6. With the above directions, this writ petition is disposed of. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Managing Director,
Tamil Nadu Housing Board,
C.M.D.A.Building Campus,
Koyambedu, Chennai - 600 107.
2. The District Revenue Officer,
Tamil Nadu Housing Board,
C.M.D.A.Building Campus,
Koyambedu, Chennai - 600 107.
3. The Special Tahsildar,
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Tamil Nadu Housing Board,
C.M.D.A.Building Campus,
Koyambedu, Chennai - 600 107.

+1cc to Mr.Subramanian, Advocate, S.R.No.3133
+1cc to the Government Pleader, S.R.No.3704

W.P.No.24898 of 2021

PCH(CO)
KKV/04/02/2022