



WEB COPY



Writ Petition No.28462 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Writ Petition No.28462 of 2022

and

W.M.P.No.27775 of 2022

1. P.Balasubramaniam
2. P.Soundararajan

... Petitioners

vs.

1. The District Collector,
Namakkal.
2. The Land Acquisition Officer and
Revenue Divisional Officer,
Namakkal Taluk – 637 001.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to disburse the enhanced compensation amount in favour of the petitioners which was awarded by the second respondent herein in Award No.36/2016 dated 10.08.2016 for the acquisition made in S.No.362/1 situated in Siluvampatti Village of Namakkal Taluk with a total extent of 2.35.0 Hectares of Land based on petitioner's representation dated 20.09.2022.



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Writ Petition No.28462 of 2022

For Petitioners : Mr.I.Abrar Mohamed Abdullah

For Respondents : Mr.U.Bharanidharan
Additional Government Pleader

ORDER

This writ petition is filed seeking for issuance of a writ of mandamus to direct the respondents to disburse the enhanced compensation amount in favour of the petitioners which was awarded by the second respondent herein in Award No.36/2016 dated 10.08.2016 for the acquisition made in S.No.362/1 situated in Siluvampatti Village of Namakkal Taluk with a total extent of 2.35.0 Hectares of land based on the petitioners' representation dated 20.09.2022.

2. It is the case of the petitioners that the property in S.No.362/1 situated in Siluvampatti Village, Namakkal Taluk of an extent of 2.35.0 Hectares was acquired by way of Notification under Section 4(1) of the Land Acquisition Act, 1894 for the purpose of formation of Master Plan Complex to construct Collectorate building and various government office buildings. Thereafter, Award dated 25.05.1999, came to be passed by the



second respondent. Since there were certain disputes with regard to the above said property and various other properties a suit was laid in O.S.No.508/2004 on the file of the Additional District Munsif Court, Namakkal and the said suit was compromised between the parties therein and decree was passed on 12.12.2015. As per the said decree, the petitioners are entitled to claim the compensation. Thereafter, the redetermination award was passed by the second respondent in Award No.36/2016 dated 10.08.2016, as per Section 28A of the Land Acquisition Act, 1894, wherein the enhanced compensation amount was directed to be deposited in the Sub Court, Namakkal, citing the reason that there was a dispute between the petitioners and others. Hence, the petitioners made a representation dated 20.09.2022 before the second respondent seeking disbursement of enhanced compensation amount. Since no action has been taken by the second respondent the petitioners have filed the present writ petition seeking the aforesaid relief.

3. Though very many grounds have been raised in the present writ petitioners, it would suffice if this Court issues a direction to the respondents



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to consider the petitioners' representation dated 20.09.2022 and pass appropriate order within the time frame that may be stipulated by this Court.

4. Learned Additional Government Pleader appearing for the respondents, on instructions, submitted that the entire compensation amount was deposited in Sub Court, Namakkal in L.A.O.P.No.3 of 2022 on the file of IV Principal Sub Judge, Namakkal.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. It is pointed out by learned Additional Government Pleader appearing for the respondents that the entire compensation amount was already deposited in Sub Court, Namakkal in L.A.O.P.No.3 of 2022. In view of the above, this Court, permits the petitioners to file appropriate application before the Sub Court, Namakkal, and if the petitioners have any grievance with respect to the disbursement of enhanced Award. The Sub Court, Namakkal is directed to decide the dispute between the parties and



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pass appropriate orders.

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7. Accordingly, this writ petition is disposed of. Consequently connected miscellaneous petition is closed. No costs.

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RAP

Index : Yes/No
Speaking order : Yes/No

To:

1. The District Collector,
Namakkal.
2. The Land Acquisition Officer and
Revenue Divisional Officer,
Namakkal Taluk – 637 001.

M.DHANDAPANI, J.



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RAP

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