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W.P.No.26669 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

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1. P. Mathiyazhagan S/o. M. Ponnusamy
2. K. Baskaran S/o. S. Krishnasamy
3. S. Natarajan S/o. A. Sellappa Gounder
4. K. Chidambaram S/o. M. Karuppana Gounder
5. K. Balamani W/o. Kolandasamy
6. P. Thangammal W/o. Ponnusamy
7. P. Lakshmi W/o. S. Palanisamy
8. P. Nirmaladevi W/o. R. Somasundaram
9. R. Shanthi W/o. Late Rajendran
10. R. Gobinath S/o. Late Rajendran
11. R. Mounika D/o. Late Rajendran
12. A.C. Sridharan S/o. Sellappa Gounder

... Petitioners

Vs

1. The Revenue Divisional Officer,
The Office of Revenue Divisional Office,
Meenakshi Sundharanar Road,
Erode – 638 001.
2. The Managing Director,
Tamilnadu Housing Board, CMDA Complex,
E & C Market Road, Koyambedu,
Chennai-600 017.
3. The Executive Engineer cum
Administrative Officer,
Erode Housing Unit, Sampath Nagar,
District Collector Office Post,



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Erode – 638 011.

4. The Special Tahsildar (L.A.),
Erode Neighbourhood Schemes,
now Revenue Divisional Officer,
Erode.

5. The Executive Officer,
Tamil Nadu Housing Board,
Erode Housing Unit, Sampath Nagar,
Erode – 638 011.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to grant the enhanced compensation at Rs.7/- per sq. feet for acquiring the subject properties situated at Erode Taluk, Erode District in accordance to the order of this Court in Review Application Nos.40, 41, 42 of 2007 dated 29.07.2013 and by considering the petitioner's representation dated 11.08.2023.

For Petitioners : Mr. M. Guruprasad

For Respondents 1 & 4 : Mr. C. Jayaprakash,
Government Advocate

For Respondents 2, 3 & 5 : Mr. C. Kalaichelvan,
Standing Counsel

ORDER

The relief sought for in the present writ petition is to direct the first respondent to grant the enhanced compensation at Rs.7/- per sq. feet for



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acquiring the subject properties situated at Erode Taluk, Erode District, in accordance to the order of this Court in Review Application Nos.40, 41, 42 of 2007 dated 29.07.2013, by considering the petitioners' representation dated 11.08.2023.

2. Learned standing counsel appearing on behalf of the Tamil Nadu Housing Board made a submission that pursuant to the Award passed in the Land Acquisition Proceedings, compensation has been deposited in the Court. It is not in dispute that section 18 reference was made and the LAOP Court enhanced the compensation from Rs.1 to Rs.7 per sq. ft. Therefore, the petitioner is entitled for the enhanced amount of compensation as determined by the Court on par with other erstwhile land owners.

3. In the present case, the learned standing counsel appearing on behalf of the Tamil Nadu Housing Board made a submission that the Board is ready to settle the compensation and there was a dispute between the legal heirs of the erstwhile owner. In this context, the learned counsel for the petitioners made a submission that there is no dispute as such amongst the legal heirs and the petitioners have already produced the records.



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4. That being the case, the Board is now submitting incorrect facts in order to cover-up the delay committed by them.

5. May that as it be, the petitioners are at liberty to submit the death certificate and legal heir certificate of the original claimant, before the competent authority of the Tamil Nadu Housing Board. On such submission, the competent authority is directed to settle the enhanced amount of compensation along with the interest and other permissible benefits under the Land Acquisition Act in favour of the writ petitioners within a period of four weeks from the date of receipt of a copy of the death certificate and legal heir certificate from the petitioners.

6. With the above direction, the writ petition stands allowed.

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Index : Yes

Speaking order

Neutral Citation : Yes



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S.M.SUBRAMANIAM, J.
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