



W.P.(MD)No.20952 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 28.11.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.20952 of 2021

J.Ganapathy

... Petitioner

vs.

1.State of Tamil Nadu,
by the Secretary, Adidraavidar Welfare Department,
PWD Estate, Chepauk, Triplicane,
Chennai-600 005.

2.The Additional Chief Secretary/ Commissioner of
Land Acquisition,
Chepauk, Chennai - 600 005.

3.The District Collector, Thanjavur / Land Acquisition Officer,
Adidraavidar Welfare Department,
Office of the District Collector, Thanjavur.

4.The Special Thasildar / Land Acquisition Thasildar,
Adidraavidar Welfare Department cum Land Acquisition Office,
Bakthapuri Agraharam,
Kumbakonam – 612 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 09.10.2021 and direct the respondents to pay the compensation for the petitioner's land 59.105



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Cents (21.5 Ares) in R.S.No.198/11A and R.S.No.198/11B, Miruthianjanapadaiveedu Village, Kumbakonam Taluk, Thanjavur District which was acquired on 30.03.1998 and pay the balance amount after considering the applicability of Act 38 / 2019 for the petitioner's land.

For Petitioner :Mr.M.V.Santharaman
For Respondents :Ms.S.Jayapriya
Government Advocate

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the respondents to consider the representation made by the petitioner on 09.10.2021, wherein, the petitioner has requested the respondents to pay the compensation for the property, that was acquired in the year 1997 in line with the decree, that was passed in L.A.A.S.No.1 of 1998, dated 26.10.2016 and also consider to pay the balance amount in line with Act 38 of 2019.

2.Heard Mr.M.V.Santharaman, learned Counsel appearing on behalf of the petitioner and Ms.S.Jeyapriya, learned Government Advocate appearing on behalf of the respondents.



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3.The grievance of the petitioner is that his land was acquired under the Land Acquisition Act, 1894, in the year 1997 and an award was passed in the year 1998. Based on the reference made by the petitioner, the matter was referred to the file of the Principal Subordinate Court, Kumbakonam in L.A.A.S.No.1 of 1998 and final judgment was passed on 26.10.2016 fixing the compensation amount of Rs.19/- per sq.feet and for payment of the same with interest and solatium. In spite of the order passed, the compensation amount was not deposited and hence, the present Writ Petition has been filed before this Court seeking for appropriate directions.

4.In the status report filed before this Court, some difficulty has been expressed in calculating and paying the compensation and this Court is not concerned about the difficulty, that has been expressed since this is a case where the lands were acquired as early in the year 1997 and the award was passed in the year 1998 and till date, the compensation amount has not been paid to the petitioner.



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5.In view of the above, there shall be a direction to the third respondent to deal with the representation made by the petitioner on 09.10.2021 and pay the entire compensation amount fixed in L.A.A.S..No.1 of 1999 dated 26.10.2016 along with interest fixed till date within a period of four weeks from the date of receipt of a copy of this order.

6.This Writ Petition is disposed of with the above directions. No costs.

7.Post this Writ Petition under the caption “for reporting compliance” on 09.01.2024.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No

28.11.2023
(4/4)

cmr



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N.ANAND VENKATESH, J.

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