



W.P.(MD)No.20931 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 28.11.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.20931 of 2021

and

W.M.P.(MD)No.17539 of 2021

1.A.Vijaya
2.A.Vimal
3.A.Vinoth
4.A.Karthik

... Petitioners

vs.

1.State of Tamil Nadu
by the Additional Chief Secretary,
Highways Department,
Commissioner of Land Acquisition,
Chepauk, Chennai-600 005.

2.The District Collector, Thanjavur
/ Land Acquisition Officer,
Office of the District Collector, Thanjavur.

3.The Revenue Divisional Officer,
Land Acquisition Officer,
The Revenue Divisional Office,
Kumbakonam-612 001.

4.Divisional Engineer,
Tamilnadu Highways Department,
Thanjavur-613 001.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to consider the petitioners' representation dated 14.08.2021 and direct the respondents to pay the compensation for their land 50.635 cents (0.20.5 Ares) in R.S.91/14B and R.S.No.91/4 in Asoor Village, Kumbakonam Taluk, Thanjavur District which was acquired on 24.04.1994 and also direct the respondents to pay the amount due as per the decree in L.A.O.P. which is Rs.18,99,142/- (till 20.10.2021) and pay the balance amount after considering the applicability of Act 38/2019 for their land.

For Petitioners :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 petitioners on 14.08.2021, wherein, the petitioners have requested the respondents to pay the compensation for the property, that was acquired in the year 1994 in line with the decree, that was passed in L.A.O.P.No.45 of 2002, dated 28.09.2015 and also consider to pay the balance amount in line with Act 38 of 2019.



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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.

3.The grievance of the petitioners is that their land was acquired under the Land Acquisition Act, 1894, in the year 1994 and an award was passed in the year 1996. Based on the reference made by the father of the petitioners, the matter was referred to the file of the Principal Subordinate Court, Kumbakonam in L.A.O.P.No.45 of 2002 and final judgment was passed on 28.09.2015 fixing the compensation amount of Rs.5,545/- per cent and for payment of the same with interest and solatium. The above judgment was put to challenge by the third respondent in an appeal with delay. This Court by an order dated 18.03.2019, directing the deposit of the entire compensation amount within a period of four weeks, failing which, the condone delay petition will automatically stand dismissed. 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.



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4.It is clear from the status report filed before this Court that the amount is yet to be deposited in this case. In view of the same, the condone delay petition gets automatically dismissed and consequently, there is no appeal pending as on date.

5.In the status report, 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 1994 and the award was passed in the year 1996 and till date, the compensation amount has not been paid to the petitioners.

6.In view of the above, there shall be a direction to the third respondents to deal with the representation made by the petitioners on 14.08.2021 and pay the entire compensation amount fixed in L.A.O.P.No. 45 of 2002 dated 28.09.2015 along with interest fixed till date within a period of four weeks from the date of receipt of a copy of this order.



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

8.Post this Writ Petition under the caption for reporting compliance, on 09.01.2024.

Index	:Yes / No	28.11.2023
Internet	:Yes / No	(1/4)
NCC	:Yes / No	

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To

1.The Secretary, Adidraavidar Welfare Department,
State of Tamil Nadu,
PWD Estate, Chepauk, Triplicane,
Chennai-600005.

2.The District Collector,
Thanjavur / Land Acquisition Officer,
O/o the District Collector, Thanjavur.

3.The Revenue Divisional Officer,
Land Acquisition Officer,
The Revenue Divisional Office,
Kumbakonam-612 001.

4.Divisional Engineer,
Tamilnadu Highways Department,
Thanjavur-613001.

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N.ANAND VENKATESH, J.

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