



WP(MD)No.21031 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

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T.Periyasamy

.. Petitioner

v.

1.The Commissioner,
Adi Dravidar Welfare Commission,
Chennai.

2.The District Collector,
Tenkasi District,
Tenkasi.

3.The Land Acquisition Officer,
Adi Dravidar Welfare and Special Tahsildar (ADW),
Tenkasi,
Tenkasi District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents to release the compensation amount to the petitioner in the light of the judgment in S.A.(MD)No.1268 of 2001 on the file of this Court dated 30.11.2020 by considering the petitioner's representation dated 13.08.2022.



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For Petitioner : Mr.P.Venkata Subramanian

For Respondents : Mr.G.V.Vairam Santhosh,
Additional Government Pleader

ORDER

The petitioner is the son of one Thirikoodarajappan. The said Thirikoodarajappan owned a land to an extent of 0.53.5 Hectares in S.No. 154, Melakaram Village, Tenkasi District. The Government has acquired the said land in the year 1996 for the purpose of providing house sites to Adi Dravidar People. The third respondent, after conducting an enquiry, has passed an award fixing the compensation as Rs.3600/- per cent. The petitioner's father, not satisfied with the award amount, has preferred an appeal before the Principal Sub Court, Tenkasi, in CMA.No.21 of 1998 and the same was dismissed by the learned Judge confirming the award passed by the third respondent. Aggrieved over the same, the petitioner's father has preferred an appeal before this Court in S.A.No.126 of 2001 and this Court, by judgment and decree dated 30.11.2020, has modified the award as follows:-

“(a)The market value of the land is enhanced to Rs.



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10,000/- per cent.

(b)The claimants are entitled to 30% of the solatium.

(c)Insofar as the payment of interest is concerned, Section 34 of the Land Acquisition Act, 1894, will apply.

(d)The respondents are directed to deposit the enhanced compensation within a period of four months from the date of receipt of a copy of this judgment.”

2.Pending the second appeal, the said Thirikoodarajappan died and the legal heirs of Thirikoodarajappan, including the petitioner herein, have submitted a representation before the first respondent on 13.08.2022 for disbursement of the compensation amount. Alleging that no action has been taken on the said representation, the petitioner has moved this writ petition for a mandamus directing the respondents to release the compensation amount, as per the judgment and decree passed by this Court in S.A.No.1268 of 2001, dated 30.11.2020.

3.Learned Additional Government Pleader requested for a short accommodation to ascertain the steps taken by the respondents on the petitioner's representation.



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4.This Court considered the rival submissions made on either side and perused the available materials.

5.According to the petitioner, the subject land belong to his father and it was acquired by the Government in the year 1996. Not satisfied with the award amount ordered, the petitioner's father agitated the issue and this Court, in the second appeal, has modified the award amount.

6.The second appeal was disposed of by this Court on 30.11.2020 and the respondents ought to have disbursed the compensation amount as per the judgment and decree passed in the second appeal. The petitioner, along with the other legal heirs of Thirikoodarajappan, appears to have already submitted a representation on 13.08.2022 by referring the judgment passed in the second appeal.

7.Considering the facts and circumstances of the case, this writ petition is disposed of with a direction to the first respondent to instruct the



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officials concerned and to ensure that the compensation amount, as ordered by this Court in S.A.No.1268 of 2001, dated 30.11.2020, is released to the legal heirs of Thirikoodarajappan, after due verification, within a period of four months from the date of receipt of a copy of this order. No costs.

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

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To

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Tenkasi.
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B.PUGALENDHI, J.

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