



WP.No.12520 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **01.07.2024**

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.12520 of 2023

K.Krishnan

.. Petitioner

Versus

1. The District Collector,
Tiruvallur District, Tiruvallur.

2. The Member Secretary,
Chennai Metropolitan Development Authority,
Egmore, Chennai – 600 008.

3. The Special Tahsildar, Land Acquisition,
Chennai Metropolitan Development Authority,
Egmore, Chennai – 600 008.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents herein to deposit the balance interest amount to the credit of LAOP No.26 of 1982 on the file of Sub Court Chengalpattu pursuant to the Judgment and Decree of this Honourable Court dated 01.8.1989 made in Cross Objection in A.S. No.536 of 1984 and as per Judgment of the Honourable Supreme Court of India New Delhi dated 23.09.1996 made in Civil Appeal No.12607 of 1996 by fixing a time limit.



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For Petitioner : Mr.M.S.Subramanian

For Respondents : Mr.S.J.Mohamed Sathik
Government Advocate – R1 & R3

Ms.P.Veena Suresh – R2

ORDER

This writ petition is filed to direct the respondents herein to deposit the balance interest amount to the credit of LAOP No.26 of 1982 on the file of Sub Court Chengalpet pursuant to the Judgment and Decree of this Court dated 01.8.1989 made in Cross Objection in A.S. No.536 of 1984 and as per Judgment of the Honourable Supreme Court dated 23.09.1996 made in Civil Appeal No.12607 of 1996 by fixing a time limit.

3. Heard learned counsel appearing for the petitioner and the learned Government Advocate appearing for the first and third respondents and the learned Standing Counsel appearing for the second respondent and perused the materials available on record.

4. It is the case of the petitioner that the land of the petitioner has been acquired for the purpose of Ambattur Neighbourhood scheme on 12.11.1975 and the award was passed on 13.03.1981. Subsequently, reference was made



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under section 18 of the Land Acquisition Act and thereafter, the matter went up to the Supreme Court and the Apex Court by a Decree and Judgment dated 01.08.1989 in Civil Appeal No.12607 of 1996 has granted interest at the rate of 15% p.a. on the enhanced amount from the date of delivery of possession till the date of deposit of the enhanced compensation. Since, the amount has not been deposited, Execution Petition has been filed. The grievance of the petitioner is that the balance interest amount as awarded by the Apex Court has not been disbursed to the petitioner. Hence, the present Writ Petition.

5. A perusal of the judgment of the Apex Court makes it clear that in fact the State has undertaken to pay 15% interest on the enhanced compensation amount from the date of delivery of possession till the date of deposit of the enhanced compensation. It is the contention of the petitioner that the balance interest amount has not been deposited by the respondents till date.

6. Considering the facts and circumstances, the respondents are directed to deposit the balance interest amount to the credit of LAOP.No.26 of 1982 on the file of the Sub Court, Chengalpet within a period of eight weeks from the date of receipt of a copy of this Order.



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7. With the above direction, this writ petition is disposed of. No costs.

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vrc

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No

To,

1. The District Collector,
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2. The Member Secretary,
Chennai Metropolitan Development Authority,
Egmore, Chennai – 600 008.
3. The Special Tahsildar, Land Acquisition,
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N. SATHISH KUMAR, J.

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