



W.P.No.21455 of 2019

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**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED : 19.07.2024

CORAM :

**THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

W.P.No.21455 of 2019

1.D.Kannan

2.D.Balaraman

... Petitioners

Vs.

1.The District Collector,  
Office of Collectorate,  
Thiruvannamalai District.

2.The Special Tahsildar (ADW),  
Office of Tahsildar,  
Polur Town, Thiruvannamalai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, to direct the first respondent to disburse the sum of Rs.2,86,242/- with interests to the petitioners based on the representation dated 26.02.2019 by the second respondent to the first respondent.



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W.P.No.21455 of 2019

For Petitioners : Mr.P.Satheesh Kumar  
For Respondents : M/s.M.Jayanthy  
Additional Government Pleader

**ORDER**

This Writ Petition has been filed seeking for issuance of a mandamus, to direct the first respondent to disburse the sum of Rs.2,86,242/- with interests to the petitioners based on the representation dated 26.02.2019 by the second respondent to the first respondent.

2. The facts of the case are as follows:-

2.1. The petitioners are senior citizens and are joint owners of the properties admeasuring 1.36 Acres comprised in Survey No.38/1 A2 and 1.67 Acres comprised in Survey No.41/1 C situated at Motaiyur Village, Polur Town, Tiruvannamalai District. The subject property was acquired by the first respondent through the second respondent. Notification under Section 4(1) of the Land Acquisition Act, 1894, was published on 23.03.1987. Inquiry under Section 5A of the Land Acquisition Act, 1894 was conducted on 16.05.1988. The Award was passed on 22.07.1989. Since the petitioners were not satisfied with the quantum of compensation,



*W.P.No.21455 of 2019*

Reference under Section 18 of the Land Acquisition Act, 1894, was made by the second respondent to the Sub Court, Arni, Thiruvannamalai District.

2.2. The Sub Court, Arni, Thiruvannamalai District was pleased to order Rs.155/- for one cent admeasuring 1.36 Acres comprised in Survey No.38/1 A2 and 1.67 Acres comprised in Survey No.41/1 C together with 31% solatium, 9% interest for one year. Apart from that, 15% interest is to be paid after the date of the decree. Three months has been granted to deposit the said amount from the date of the decree. The decree amount was not deposited in the Court. The petitioners filed an Execution Petition in E.P.No.74 of 2014 on the file of the Sub Court, Arni, Thiruvannamalai District. The said Execution Petition is still pending. During the pendency of the Execution Petition, the second respondent sent a detailed letter correspondence to the first respondent on 26.02.2019, seeking to deposit the award amount before the Sub Court, Arni, Thiruvannamalai District. However, till date the first respondent has not considered the letter of recommendation and the petitioners have not been provided compensation. Hence the writ petition.



*W.P.No.21455 of 2019*

WEB COPY

3. Pursuant to the order passed by this Court on 18.07.2024, the learned Additional Government Pleader appearing for the respondents has filed working sheet in regard to the amount to be disbursed to the petitioners with interest based on the recommendation dated 26.02.2019 by the second respondent to the first respondent.

4. According to the working sheet, total sum as on 30.11.2023 is Rs.3,78,796/-, out of which, already a sum of Rs.44,238/- has been paid on 04.04.2013 to the petitioners. Hence, the remaining balance amount as on 30.11.2023 is Rs.3,34,558/-.

5. Learned Additional Government Pleader appearing for the respondents submitted that the Demand Draft for the said amount i.e., for a sum of Rs.3,34,538/- is ready and the same will be deposited before the Sub Court, Arni, Thiruvannamalai District today itself.

6. In regard to the amount for the period from 01.12.2023 to till date i.e., 19.07.2024, the respondents are directed to calculate the amount payable to the petitioners and settle the same to the petitioners within a period of three months from the date of receipt of a copy of this order.



W.P.No.21455 of 2019

WEB COPY

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

**19.07.2024**

Index : Yes/No  
Internet : Yes/No  
Speaking Order/Non-Speaking Order  
Neutral Citation : Yes/No

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To

- 1.The District Collector,  
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Thiruvannamalai District.
- 2.The Special Tahsildar (ADW),  
Office of Tahsildar,  
Polur Town, Thiruvannamalai District.

**J.SATHYA NARAYANA PRASAD, J.**

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WEB COPY



*W.P.No.21455 of 2019*

W.P.No.21455 of 2019

19.07.2024