



WEB COPY



W.P.No.18391 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2024

CORAM

THE HONOURABLE MR. JUSTICE S. SOUNTHAR

W.P No.18391 of 2024

1. S.Prasantha Durairaj
2. S.Nandhitha Lakshmi
3. S.Rajeshwari

...Petitioners

Vs.

1. The Executive Engineer,
Tamil Nadu Housing Board,
Tatabad, Coimbatore - 641 012.
2. The Land Acquisition Officer and
Special Tahsildar (Land Acquisition),
Housing Scheme Unit - III,
Coimbatore.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to pay and disperse to the petitioner in a time bound manner an amount of Rs.56,56,840/- along with subsequent applicable interest from 14.02.2017 being the date of filing of Execution petition till the date of actual payment.

For Petitioners : Mr. V.Raghavachari, Senior Advocate
for M/s. V.S.Usharani
For R1 : Mr.C.Kalaichelvan
Standing Counsel
For R2 : Mr.A.Selvendran
Special Government Pleader

ORDER



W.P.No.18391 of 2024

The petitioner herein seeks a direction to the respondents to pay him a sum of Rs.56,56,840/- being the compensation amount fixed for the land acquired from the petitioner.

2. It is seen from the affidavit filed in support of this writ petition that the petitioner's land with an extent of 23.95 acres situated in survey No.22/2, Ganapathy Village, Coimbatore was acquired by notification dated 11.03.1983 and till date, the compensation amount has not been paid. Therefore, the petitioner is before this Court. It is also seen that at the request of petitioner matter was referred to Court under Section 18 of Old Land Acquisition Act and said proceedings attained finality by dismissal of SLP and also dismissal of review petition by Supreme Court by order dated 04.11.2015. Thereafter, the petitioner filed execution petition in E.P.No.339 of 2017 and the same is still pending.

3. The learned counsel for the petitioner restricted the prayer made in this writ petition and submitted that the petitioner would be satisfied, if a direction is issued to the Executing Court to dispose of the Execution Petition pending on its file.



W.P.No.18391 of 2024

4. The said statement made by the learned counsel for the petitioner is recorded. The petitioner's land was acquired four decates ago and till date compensation amount has not been paid to the petitioner. The execution petition filed by the petitioner also pending for the past seven years. Hence this Court feels, this is a rarest of rare case, which requires suitable direction to executing Court to dispose of execution petition expeditiously.

5. In view of the limited prayer sought for by the petitioner, this Court, without going into the merits of the matter, hereby directs the II Additional Sub-Court, Coimbatore, to dispose of the execution petition in E.P.No.339 of 2017 within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs.

04.10.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
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S. SOUNTHAR, J.

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To

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