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W.P.No.28920 of 2024.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :01.10.2024

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.28920 of 2024

1. Dasaradhan
2. Dhanabakiyam
3. Kothandaraman
- 4.Kasthuri
5. Uma
- 6.Shanthi
- 7.Pushpa

...Petitioners

Vs.

1. The District Revenue Officer
Chennai Outer Ring Scheme
Chennai Metropolitan Development Authority
Koyambedu, Chennai-600 101.
- 2.The Special Tahsildar(LA)
Chennai Outer Ring Road Scheme
Tambaram
Office at Poonamalle
Chennai-600 056.
3. Special Tahsildar(LA)
(Unit-II)
Chennai Outer Ring Road Scheme
Chennai Metropolitan Development Authority
Gandhi Irwin road, Egmore
Chennai-600 008.



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4. E.Anandaraja
5. E.Devaki Arangappan

..Respondents

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the Respondents 1 to 3 to disburse the award amount to the Petitioners in respect of Survey No.198/ 1A, measuring 82 cents, Kollacheri Village, Kunrathur Taluk, Kanchipuram District by considering the representation of the 3rd Petitioner dated 25-01-2024.

For Petitioners : M/s.S.Ganesh

For Respondents 1 &2 : Mr.P.Sathish
Additional Government Pleader

For Respondent 3 : Mrs.K.Mageswari
Standing Counsel (CMDA)

ORDER

The petitioners herein seek a direction to respondents 1 to 3 to disburse the award amount in favour of petitioners in respect of the property situated in Survey No.198/1A measuring an extent of 82 cents at Kollacheri Village, Kunrathur Taluk, Kanchipuram District.



2. It is the case of the petitioners that the above mentioned property originally belonged to one T.K.M.Nagaraja Mudaliyar. The petitioners' father namely Sheshachalam entered into an agreement with said T.K.M.Nagaraja Mudaliyar on 27.01.1980. The petitioners' father filed a suit for specific performance in O.S.No.192 of 1983 on the file of District Munsif Court, Poonamallee seeking performance of the sale agreement. When the suit was pending, the agreement vendor namely T.K.M.Nagaraja Mudaliyar sold the subject property in favour of one Indirani Ammal. Therefore, the said Indirani Ammal was also brought on record as party defendant in the suit. The said suit was decreed in favour of the petitioners' father granting decree for specific performance on 28.11.2003. After disposal of the suit, the subsequent purchaser Indirani Ammal died and her legal representatives namely respondents 4 and 5 filed an appeal in A.S.No.47 of 2010 on the file of Sub-Court, Kancheepuram and the same was dismissed. Aggrieved by the same, the contesting respondents preferred second appeal and the same was numbered as S.A.Sr.No.32944 of 2018. The said second appeal was dismissed in SR stage itself on 04.06.2019. While the matter was pending before the Courts, the subject property was acquired by the official respondents and the



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compensation amount was also determined on the strength of the decree passed in his favour by the Civil Court. The petitioners submitted a representation before the respondents on 25.01.2024 seeking disbursal of the compensation and the same has not been considered till date. Hence, the petitioners are before this Court.

3. The learned Additional Government Pleader, who is taking notice for the respondents 1 and 2, submits that the representation of the petitioners will be considered on its' own merits within a time fixed by this Court.

4. In view of the same, without going into the merits of the claim made by the petitioners, this Court is inclined to issue direction to the 1st respondent to consider the representation of the petitioners dated 25.01.2024 and pass final orders on its' own merits within a period of eight weeks from the date of receipt of copy of this order after issuing necessary notice to the petitioners and the private respondents 4 and 5.



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5. With the above directions, this writ petition is disposed of. No costs.

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

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S.SOUNTHAR, J.

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