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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-01-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WMP NO. 29679 of 2022

in

W.P.NO.10205 OF 2017

R.Kokilam,
W/o.Ramasamy,
No.3/6, Kurakadu,
Selambangoundampalayam,
Nagar Palayam, Vaiyappamalai,
Thiruchengode Taluk,
Namakkal District.

Petitioner

Vs

Kanagasabapathy (deceased) & 16 Others

Respondents

For Petitioner:

Mr.L.Mouli

For Respondents:

Mr.T.Annamalai

for M/s.P.Muthusamy [R1 to R12]

No appearance [R13 to R17]

ORDER

This Writ Miscellaneous Petition has been filed to set aside the order dated 16.08.2022 passed by this Court in W.P.No.10205 of 2017.

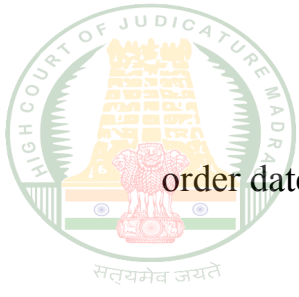


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2. Learned counsel appearing for the petitioner submitted that the petitioner's father Late Kanagasabapathy had filed a Writ Petition in W.P.No.10205 of 2017 before this Court, seeking to direct the respondents 13 to 16 therein to acknowledge that the entire land acquisition proceedings initiated under the Land Acquisition Act, 1894 in respect of the land belonging to the petitioners therein comprised in T.S.No.6/2 measuring an extent of 1.13 acres and 4.5 cents out of 0.9 cents situated at Aiyamperumalpatty Village, Salem District, Salem Town and Taluk as lapsed in view of Section 24(2) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and to forbear from taking any further steps in respect of the above survey numbers. This Court, vide order dated 16.08.2022 disposed of the said writ petition, directing the respondents 13 to 16 therein to disburse the entire compensation amount along with interest under Section 34 of the Land Acquisition Act, in favour of the petitioners therein, within a period of twelve weeks from the date of receipt of a copy of the order. Though daughter of the 1st petitioner therein was impleaded as 6th respondent in the said writ petition, however, no direction was issued for apportionment of compensation in her favour. Hence, the present petition has been filed.

3. Learned counsel appearing for the respondents 1 to 12 did not dispute the fact that the petitioner is one of the legal heirs of the late.Kanagasabapathy.

4. This Court perused the order dated 16.08.2022, particularly, paragraph No.11 of the said order, this Court is satisfied and accordingly, paragraph 11 of the



order dated 16.08.2022 stands replaced as follows :-

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*“11. Considering the request now made by the learned counsel appearing for the petitioners as well as the 6th respondent, this Court directs the respondents to disburse the entire compensation amount along with interest under Section 34 of the Land Acquisition Act, within a period of twelve weeks from the date of receipt of a copy of this order. **However, liberty is granted to the 6th respondent to file appropriate petition before the Lower Court for apportionment of compensation. If such application is filed, the Lower Court shall consider the same and pass appropriate orders, after hearing the petitioners as well as the 6th respondent.**”*

5. Registry is directed to carry out the necessary corrections in the order dated 16.08.2022 in W.P.No.10205 of 2017 and issue a fresh copy of the order to the learned counsel for the parties.

28-01-2025
(2/2)

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1. The Secretary to Government,
Housing and Urban Department, Fort St. George, Chennai 600 009.

2. The Chairman,
Tamil Nadu Housing Board, Nandanam, Chennai 600 002.

3. The Executive Engineer and Administrative Officer,
Tamil Nadu Housing Board, Salem Housing Units, Salem -8.

4. The Special Tahsildar,
Land Acquisition, Neighbourhood Scheme, Salem Taluk, Office, Salem.

5. The Tahsildar,
Salem Taluk, Salem.