

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-02-2016

CORAM:

THE HONOURABLE MR. JUSTICE T.S. SIVAGNANAM

W.P.No.4258 of 2015

R. Maheshwari

.. Petitioner

Vs

1. The Land Acquisition Officer
and Competent Authority
Special District Revenue Officer
District Collector Office
Salem

2. The Special Tahsildar (Land Acquisition)
National Highway
District Collector Office
Salem

.. Respondents

Writ Petition under Article 226 of the Constitution of India praying for a writ of mandamus to direct the respondents to pay the balance compensation Rs.63,984/- (Rupees Sixty Three Thousand and Nine Hundred Eighty Four only) as per their Additional Compensation award letter dated 26.4.2010 and also directing the respondents to pay the interest at 9% per annum for the delay in payment of compensation from the date of award of additional compensation (date 26.4.2010) within the stipulated time that may be fixed by this Honourable court.

For petitioner : Mr. B. Nedunchezhiyan

For respondent : Mr. R. Rajeswaran,
1 and 2 Special Govt. Pleader

ORDER

It is an unfortunate case where the petitioner, though has been granted only a meagre compensation of Rs.63,984/- (Rupees Sixty Three Thousand and Nine Hundred Eighty Four only) by proceedings dated 26-04-2010 had to wait for five years and since he did not realize the money even after five years, he

submitted a representation and since no action was taken on the representation, he has filed this writ petition.

2. The facts are not disputed by the first respondent in the counter affidavit, rather it is admitted that the petitioner is entitled to the said amount. However, the respondent takes a stand that they have addressed the matter to the Project Director, NHAI, Salem for obtaining orders from the NHAI, New Delhi and the matter is pending consideration.

3. It is rather surprising to note as to why the matter is under consideration for almost five years now. When it is not in dispute that the additional compensation was fixed at Rs.63,984/- (Rupees Sixty Three Thousand and Nine Hundred Eighty Four only) in 2010, the first respondent should have ensured of the same being issued at the earliest point of time. Therefore, this stand taken by the first respondent that the petitioner has to patiently wait further cannot be countenanced.

4. Accordingly, the writ petition is allowed and there will be a direction to the respondents to immediately collect the compensation amount from the Requisitioning Body and pay the petitioner the said amount within a period of eight weeks from the date of receipt of a copy of this order.

5. In the counter affidavit, the first respondent has not stated as to why he has not taken any diligent steps when there is a specific prayer for grant of interest and delayed payment of compensation is a serious matter. When the petitioner having been granted the said compensation in the year 2010, the same having not been paid till date, the petitioner is entitled to interest. This Court fixes the same at 4% Simple Interest payable from May 2010 till the date of payment. The interest payment shall be paid by the respondents and cannot be recovered from the National Highways.

सत्यमेव जयते
-s/d-

Assistant Registrar

True Copy

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Sub-Assistant Registrar

glp

To

1. The Land Acquisition Officer
and Competent Authority
Special District Revenue Officer
District Collector Office
Salem
 2. The Special Tahsildar (Land Acquisition)
National Highway
District Collector Office
Salem
- +1 cc to M/s.B.Neduchezheyar Advocate sr.8185
+1 cc to the Government Pleader High Court
Madras sr.7546

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