

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2017

CORAM

**THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH**  
**AND**  
**THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN**

Contempt Appeal No.2 of 2017  
and  
C.M.P.No.5936 of 2017

Er.K.Arumugam,  
Executive Engineer,  
TWAD Board, RWS Division,  
Kancheepuram.

... Appellant

-vs-

1.V.Balakrishnan

2.Mr.R.Venkatesan, I.A.S.,  
Secretary to Government,  
Revenue Department,  
Fort St.George,  
Chennai-600 009.

3.Dr.Girija Vaidyanathan, I.A.S.,  
Special Commissioner and  
Commissioner of Land Administration,  
Chepauk, Chennai-5.

4.Tr.C.Vijayaraj Kumar,  
Managing Director,  
Tamil Nadu Water Supply and Drainage Board,  
Chennai-600 005.

5.Tmt.R.Gajalakshmi, I.A.S.,  
District Collector,  
Kancheepuram District,  
Kancheepuram.

.. Respondents

Appeal filed under Section 19(1) of the Contempts of Court Act, 1971, to set aside the order dated 13.02.2017 passed by this Court in Contempt Petition No.2626 of 2016.

For Appellant :: Mr.K.Venkataramani,  
Additional Advocate General

For Respondents :: Mr.M.Muthappan for R1

Mr.V.Jayaprakash Narayanan,  
Special Government Pleader for  
R2, R3 and R5

**JUDGMENT**

(Judgment of the Court was delivered by  
**HULUVADI G.RAMESH, J.**)

This appeal has been filed by the TWAD Board, Kancheepuram, against the order dated 13.02.2017 passed by this Court in Contempt Petition No.2626 of 2016.

2.Originally, Cont.P.No.2626 of 2016 was filed by the first respondent herein, who is the land owner. He was paid compensation for his land compulsorily taken over without any acquisition proceedings at the rate of Rs.200/- per sq.ft. along with interest at 12%. After hearing the arguments advanced on either side, the learned single Judge fixed a sum of Rs.600/- per sq.ft. as compensation. It was also ordered that since compensation was already paid to the first respondent by fixing Rs.200/- per sq.ft. together with interest, the balance amount payable per sq.ft.,

ie.Rs.400/- has to be paid to the first respondent. Further, the interest for the differential amount was also ordered to be calculated only at the rate of Rs.300/- per sq.ft. and the interest was directed to be paid on the said amount of Rs.300/- per sq.ft. for the period from 19.05.2012 to 25.05.2016. The said direction was ordered to be complied with within a period of four weeks from the date of receipt of a copy of the order. Challenging the said order, the present contempt appeal has been filed by the TWAD Board, on the ground that the compensation fixed by this Court is excessive.

3.A counter affidavit has been filed by the first respondent, in which it is stated that the District Collector, Kancheepuram District has fixed the compensation at the rate of Rs.500/- per sq.ft. without any interest. Even though the first respondent requested the authorities to fix the compensation as per the Government guidelines under private negotiation at the rate of 150% over and above the market value, they have not accepted for the same. Thereafter, when the contempt petition came up for hearing before this Court, the learned single Judge has passed the order dated 13.02.2017, fixing the value at the rate of Rs.600/- per sq.ft., out of which Rs.500/- would carry interest and the remaining sum of Rs.100/- would not carry interest. The learned counsel for the first respondent has submitted that the order passed by this Court in the contempt petition has not been complied with by the authorities.

4.Heard the learned counsel on either side and perused the materials available on record.

5.It is seen that even though an order was passed by this Court in the contempt petition in Cont.P.No.2626 of 2016 on 13.02.2017, the first respondent was not paid the compensation as ordered by this Court. As on date, the first respondent was paid compensation only at the rate of Rs.200/- per sq.ft. and the District Collector concerned has passed an order fixing the compensation only at the rate of Rs.500/- per sq.ft. without interest. Whatever the order passed by the District Collector will be a subject matter for scrutiny only before the appropriate forum and this Court is not a forum to deal with the same. However, if the State Government wants to have a compromise with the first respondent, it can do so.

6.With the above observation, the contempt appeal stands dismissed. Consequently, the connected miscellaneous petition is closed.

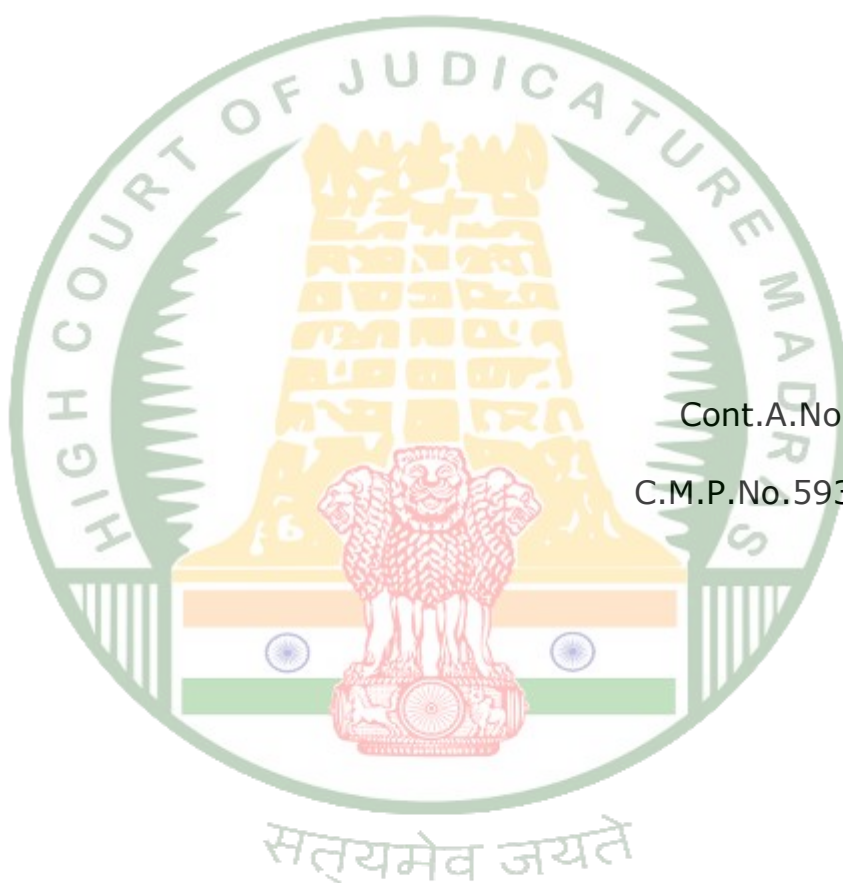
Index : Yes/No  
Internet : Yes/No

**(H.G.R.,J.) (T.K.R.,J.)**  
23.08.2017

KM

**HULUVADI G.RAMESH, J.**  
**AND**  
**RMT.TEEKAA RAMAN, J.**

KM



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and  
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