

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2017

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.A No.1589 and 1525 of 2013,
M.P.No.1 of 2013

1.D.G.Rajan alias Gnanaraj

2.Raja Agency

Post Box No.141,

Opp. Bharat Petroleum Products,

Bye-Pass Road,

...Appellants in
WA.No.1589/2013

1.St.John Freight Systems Ltd.,

Rep. by its Managing Director,

T.Johnson, C-98, SIPCOT Industrial Complex,

Thoothukudi - 628 008.

2.T.Johnson

...Appellants in
W.A.No.1525/2013

Vs

1.The Government of Tamil Nadu,

Rep. by its Chief Secretary,

Fort St.George, Chennai - 600 009.

2.The Secretary (Public Law and Order F) Department,

Fort St.George, Chennai - 600 009.

...Respondents 1 and
2

in both Appeals

3.The Home Secretary,

Government of Tamil Nadu,

Fort St.George, Chennai - 600 009.

...3rd respondent in
W.A.No.1589/2013

4.The District Collector,

Tuticorin District at Tuticorin

Southern Region, Madurai.

...4th respondent in
W.A.No.1589/2013 and
3rd respondent in
W.A.No.1525/2013

Prayer:- Writ Appeals filed under clause 15 of the Letter Patent against the common order dated 09.04.2013 in W.P.Nos.10146 and 6163 of 1999.

WP.No.10146 of 1999 has been filed to issue a writ of Mandamus directing the respondents to pay Rs.70,00,000/- as damages as compensation to the petitioners for the loss sustained by the petitioners during the mob violence and riot which took place on 10.05.1996 at Tuticorin.

WP.No.6163 of 1999 has been filed to issue a writ of certiorarified mandamus calling for the records relating to the order of the 2nd respondent passed in G.O.Ms.No.1834 (Law and Order P) Department, dated 06.11.1998 and quash the same in so far as it restrict the compensation to Rs.2 lakhs only and direct the respondents to pay a sum Rs.85,74,000/- to the first petitioner as compensation as recommended by the One Man Commission in its report dated 25.06.1997 forthwith with interest.

For Appellant in Ms.Anupama Kumar for
W.A.No.1589/2013 : Mr.R.Parthasarathy
W.A.No.1525/2013 : Mr.K.Govi Ganesan

For Respondents : Mr.K.Dhananjeyan
Special Govt.Pleader

C O M M O N J U D G M E N T

K.K. SASIDHARAN,J.

These intra court appeals are directed against the common order dated 9 April, 2013 in W.P.Nos.10146 and 6163 of 1999, whereby and where under, the learned single Judge while directing the State to pay compensation to the appellants in accordance with the report submitted by the One Man Commission, declined to grant interest. The appeals are confined to payment of interest alone.

2. Since the appellants are satisfied with the order passed by the learned single Judge granting compensation, we are not discussing the entire facts in these intra court appeals.

3. There was a communal clash in the district at Tuticorin on 9 May, 1996. In the said clash, large scale of arson and looting took place. The appellants suffered extensive damage to their business premises.

4. The State of Tamil Nadu appointed the former District Judge as One Man Commission to conduct enquiry and recommend compensation. The Commission recommended suitable compensation to the affected people. The report was accepted by the Government. However, the Government decided to give

compensation at a uniform rate of Rs.2 lakhs to all the claimants. The Government Order in G.O.Ms.No.1834 Law and Order Department, dated 6.11.1998 was under challenge before the learned single Judge.

5. The learned single Judge directed the State to pay compensation to the appellants and others taking into account the recommendation made by the Commission. The plea for payment of interest was negatived in spite of making an observation by the learned single Judge that the appellants are entitled to interest. Since interest was not paid, the appellants have come up with these appeals.

6. We are informed that the Government have not paid the compensation amount to the appellants till date. Since compensation amount has not been paid, the appellants are entitled to interest at the rate of 9%. Since the State is ready to pay interest at the rate of 9% on account of their failure to pay the amount to the appellants, we are of the view that no further direction is necessary in these intra court appeals.

7. We direct the State to pay the amount to the appellants as ordered by the learned single Judge in the order dated 9 April 2013, in W.P.Nos.10146 and 6163 of 1999 and interest at the rate of 9% within a period of three months from the date of receipt or production of a copy of this order.

8. The writ appeals are disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

svki

To

1.The Chief Secretary,
The Government of Tamil Nadu,
Fort St.George, Chennai - 600 009.

2.The Secretary (Public Law and Order F) Department,
Fort St.George, Chennai - 600 009.

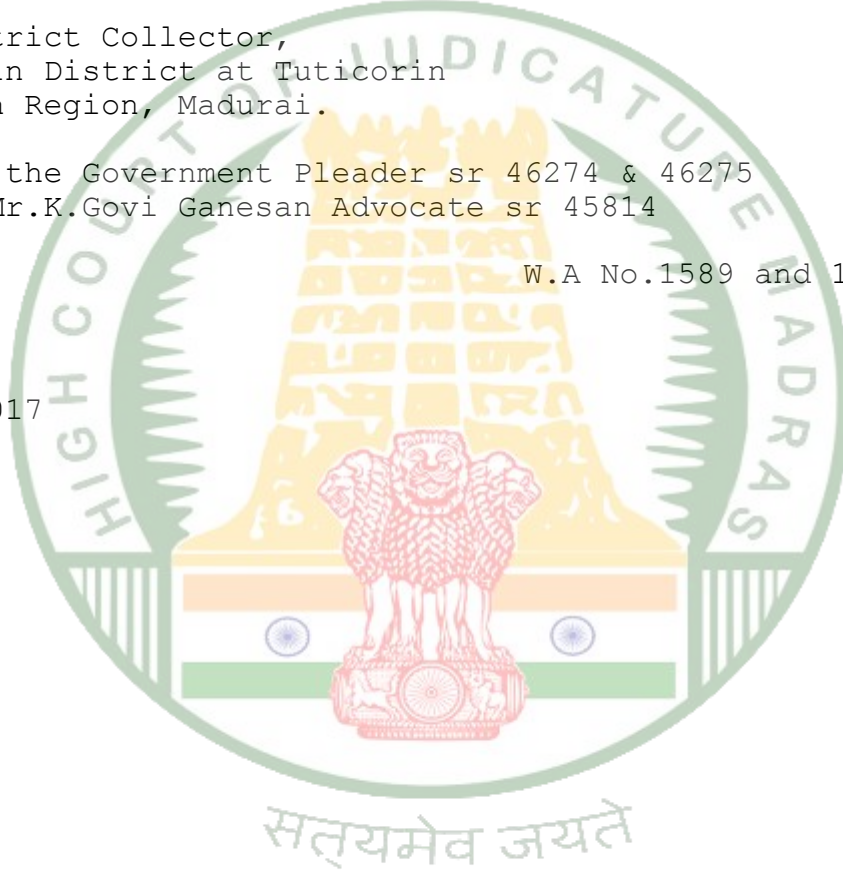
3.The Home Secretary,
Government of Tamil Nadu,
Fort St.George, Chennai - 600 009.

4.The District Collector,
Tuticorin District at Tuticorin
Southern Region, Madurai.

+2 ccs to the Government Pleader sr 46274 & 46275
+1 cc to Mr.K.Govi Ganesan Advocate sr 45814

W.A No.1589 and 1525 of 2013

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