



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 10.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE **M.M.SUNDRESH**

AND

THE HONOURABLE MR.JUSTICE **N.SATHISH KUMAR**

W.A.(MD)No.529 of 2014

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C.Vairamuthu

: Appellant

Vs.

- 1.The Secretary,
Ministry of Road Transport and Highway,
Government of India,
New Delhi.
- 2.The Project Director,
National Highways Authority of India (P.I.U),
Ponnagar,
Tiruchirapalli.
- 3.The District Revenue Officer cum
Competent Authority,
No.11/A, Indira Nagar,
Sennamanaickenpatti,
Dindigul.
- 4.The District Collector,
Dindigul District,
Dindigul.
- 5.The Executive Officer-cum-Secretary,
Tamilnadu Wakf Board, Chennai

: Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act, praying to set aside the order dated 10.04.2013, passed in W.P. (MD)No.3955 of 2013, so far as the grant of interest at the rate of 18% per annum is concerned and thereby allowing this Writ Appeal and thus allowing the Writ Petition in entirety.

Prayer in WP(MD). 3955/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 3rd respondent in his proceedings Na.Ka.No.548/2008/A4/NH45 dated 18.06.2010 and quash the same and direct the respondents to release the remaining amount to the petitioner to the acquired land in Survey NO. 938/48 with interest of 18% and pass such further or other orders.



For Petitioner : Mr.T.R.Jeyapalam
For Respondent No.1 : Mr.C.Arulvadivel @ Sekar
For Respondents 2 to 4 : Mr.T.R.Janarthanan
Additional Government Pleader
For Respondent No.5 : No appearance.

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ORDER

[Order of the Court was made by **M.M. SUNDRESH, J.**]

The matter lies in a very narrow campus. The appellant, though, received the compensation amount, seeks interest for the same. On the instruction given by the second respondent, it has been said as follows:-

"It is submitted that the petitioner has also filed Writ Petition in W.P.(MD)Nos.3955 to 3957 of 2013 citing the earlier order of this Hon'ble Court 28.08.2012 in W.P.(MD)No.9220/2012 etc., batch cases and this Hon'ble Court passed orders on 10.04.2013 in the light of the orders dated 28.08.2012 and directed to make payment of the land value to the petitioner. The total amount of compensation for the village Ayyalur amounting to Rs.13,90,19,463/- has been deposited on 07.10.2009 with the DRO for making payment of compensation to the 206 land owners involved in the Land Acquisition for the village.

The compensation net amount of Rs.8,63,165/- after deducting Income Tax of Rs.95,907/- has been released to the petitioner on 25.06.2013 in the shape of cheque, and the cheque was presented for payment by the petitioner at the bank was lost in transit and a revised cheque bearing No.161 was also issued on 09.10.2013. The petitioner has received the compensation amount. Thus, there is no delay in making payment of compensation for the lands involved in the land acquisition to the petitioner. Now, the petitioner has filed this Writ Appeal before this Hon'ble Court stating that 18% of interest on compensation prayed by him was not allowed by this Hon'ble Court and seeking orders of 18% interest on the compensation already received by him.

There is no provision in the NH Act u/s. 3G(1) for awarding interest for the compensation to be paid by the CA(LA). Since, the award has been passed under the provisions of NH Act, the petitioner is not entitled to interest, the Hon'ble Court after taking consideration of the fact has passed orders on



10.04.2013."

2. From the above, it is clear that the compensation amount has been deposited in the account maintained jointly in the name of the third respondent District Revenue Officer as well as the second respondent Project Director, National Highways Authority of India on 07.10.2009. The cheque was issued on 25.06.2013, but, the appellant has lost it and therefore, another one was issued on 09.10.2013. This amount merely indicates the compensation amount and not the interest accrued.

3. Though there is no provision in the NH Act, the amount deposited is the money belonging to the appellant. Therefore, the interest accrued in the joint account of the District Revenue Officer, namely, the third respondent and the second respondent has to be given to the appellant.

4. In such view of the matter, a direction is issued to the second and third respondent, to see to it that the interest accrue in the joint account, which is stated to be a Savings Account is paid to the appellant within a period of eight weeks from the date of receipt of a copy of this order.

5. Accordingly, this Writ Appeal stands disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary,
Ministry of Road Transport and Highway,
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New Delhi.
2. The Project Director,
National Highways Authority of India (P.I.U),
Ponnagar,
Tiruchirapalli.
3. The District Revenue Officer cum
Competent Authority,
No.11/A, Indira Nagar,
Sennamanaickenpatti,
Dindigul.
4. The District Collector,
Dindigul District,
Dindigul.



5.The Executive Officer-cum-Secretary,
Tamilnadu Wakf Board, Chennai.

+1cc to Mr.T.R.JEYAPALAM Advocate in SR. No.64642

+1cc to C.ARUL VADIVEL @ SEKAR in SR. No.64318

MR/RMK

JS/MR.KKR/SAR.4/24.7.2017/4P-8C

W.A. (MD) No.529 of 2014
10.07.2017