



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A.(MD) No.150 of 2017

East India Corporation Limited
rep.by its Managing Director
Meenakshi
12 H, Sri Ram Complex
Ram Nagar, Madurai-625 010

... Appellant

-vs-

1. The State of Tamil Nadu,
rep.by its Chief Secretary
to Government,
Fort St.George,
Chennai-600 009
2. The Additional Chief
Secretary to Government,
Transport Department,
Fort St.George,
Chennai-600 009
3. The Additional Chief Secretary and
Commissioner of Land Administration,
Ezhilagam, Chepauk,
Chennai-600 005
4. The District Collector,
Dindigul Collectorate,
Dindigul District,
Dindigul-624 004
5. The District Revenue Officer
Dindigul Collectorate Building
Dindigul-624 004
6. The Revenue Divisional Officer,
Sub Collector Office Road,
Dindigul-624 001



7. The Tahsildar (East)
East Taluk Office,
Dindigul District Treasury Office Road,
Dindigul-624 001

8. The Southern Railways,
rep.by its General Manager,
Southern Railway Head Quarters,
Park Town, Chennai-600 003

9. The Deputy Chief Engineer
Construction I Department
Southern Railways-Madurai Division
Gauge Conversion, Arasaradi
Madurai-625 016

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 30.01.2017, made in W.P.(MD) No.10758 of 2016.

Prayer in WP(MD). 10758/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to pay the Sum of Rs.10 Crores with accrued interest, deposited pursuant to the order of this Honourable High Court dated 28.7.2015 in Contempt petition (MD) No. 570/2015 in W.P(MD) No. 1389 of 2014 lying in the Nationalized Bank towards part satisfaction of the compensation for the petitioners dispossessed land, to be acquired from the petitioner company.

For Appellant : Mrs.N.Krishnaveni, Senior Counsel
for Mr.P.Thiagarajan

For Respondents : Mr.S.Chandrasekar
Govt. Advocate for R1 to R7
Mr.A.Haja Mohideen for R8 & R9

J U D G M E N T

[Judgment of the Court by T.S.SIVAGNANAM, J.]

Heard Mrs.N.Krishnaveni, learned Senior Counsel, appearing for Mr.P.Thiagarajan, learned counsel for the appellant, Mr.S.Chandrasekar, learned Government Advocate, appearing for the respondents 1 to 7 and Mr.A.Haja Mohideen, learned counsel appearing for the respondents 8 and 9 and carefully perused the materials placed on record.



2. With the consent of both sides, the writ appeal is taken up for final hearing at the admission stage itself.

3. The appellant is aggrieved only by a portion of the common order, dated 30.01.2017, insofar as the relief sought for by him in W.P.(MD) No.10758 of 2016.

4. The writ petition, in W.P.(MD) No.10758 of 2016, was filed to direct the respondents to pay a sum of Rs.10 Crores with accrued interest, deposited pursuant to the order of this Court, dated 28.07.2015 in Cont.P.(MD) No.570 of 2015 in W.P.(MD) No.1389 of 2014, which is presently in Bank deposit being part satisfaction of the compensation for having dispossessed the appellant from his land and taken over the property from him.

5. The other writ petition filed by the appellant, in W.P.(MD) No.10757 of 2016, was to initiate and expedite the land acquisition proceedings under the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997, complete the same and disburse the compensation to the appellant for the land acquired.

6. It is not in dispute that fourth respondent / District Collector has sent his recommendation for acquiring the land, vide proceedings dated 08.01.2016, pursuant to which, the Government vide G.O.(Ms) No.67, Transport (I.1) Department, dated 24.06.2016, has accorded administrative sanction for acquisition of the appellant's land. However, during pendency of such proceedings, the appellant sought for a direction to withdraw the amount, which is lying in the Bank deposit.

7. The Southern Railways, who is the requisitioning body, has deposited the amount and they have no objection for the appellant withdrawing the amount, as admittedly the appellant has been dispossessed from the land in question. They were allowed to enter upon the possession of the acquired land and as on date, they have put up a superstructure and leased out to the Indian Oil Corporation and other Oil Companies. It is stated that the Southern Railways is receiving rents from the Oil Corporation.

8. So far as the officials of the State are concerned, they filed a counter affidavit, inter alia, contending that the total amount of expenditure involved is Rs.51,60,43,905/-, which would include the expenses for payment of compensation, solatium and interest to the appellant and other connected expenditures and therefore, they stated that the amount of Rs.10 Crores deposited by the Southern Railways will not be sufficient even to meet the initial expenses.

<https://hcservices.ecourts.gov.in/hcservices/>

9. In our considered view, the stand taken by the revenue



officials is not tenable as the amount deposited by the Railway Administration is to cover the cost of land acquisition and the major amount for such purpose would be for disbursal of compensation to the land owners together with admissible solatium and interest. Therefore, such stand taken by the revenue officials in the counter would not impede the Court from considering the relief prayed for.

10. It is not in dispute that pursuant to the directions issued by the Court, the Railway Administration has deposited Rs.10 Crores with the Revenue Divisional Officer, Dindigul and recording the same, the contempt petition, in Cont.P.(MD) No.570 of 2015, was closed with further direction to keep the amount in an interest bearing account in anyone of the Nationalized Bank under the care and custody of the Revenue Divisional Officer, Dindigul. Thus, as on date, the amount is lying in deposit before the Nationalized Bank in an interest bearing account.

11. Admittedly, the acquisition proceedings are bound to take sometime, because the Government has accorded administrative sanction only on 24.06.2016, though the District Collector had forwarded his recommendation on 08.01.2016. Thus, taking into consideration the fact that the appellant has been dispossessed from the land in question, which is admitted and not disputed by any of the respondents, during 1985, and taking note of the fact that the Southern Railways has fully utilized the land, we are of the view that the land owner should be permitted to withdraw the amount, which is lying in Bank deposit, subject to the condition that the same shall be adjusted towards the compensation that may be arrived at after the acquisition proceedings are concluded in terms of the decision of the Government in G.O.(Ms) No.67, dated 24.06.2016.

12. In the light of the above, the writ appeal is allowed and insofar as the order in W.P.(MD) No.10758 of 2016 is concerned, the appellant is permitted to withdraw the amount of Rs.10 Crores lying in deposit in a Nationalized Bank as directed by the Court in contempt proceedings, together with accrued interest, subject to the condition that the said amount will be adjusted as against the compensation that shall be determined and payable to the appellant on conclusion of the land acquisition proceedings for which administrative sanction has been accorded by the Government vide G.O.(Ms) No.67, dated 24.06.2016. No costs.

Sd/-

Assistant Registrar (P&A)

/True Copy/



To:

1. The Chief Secretary to Government,
State of Tamil Nadu,
Fort St.George, Chennai-600 009.
2. The Additional Chief
Secretary to Government,
Transport Department,
Fort St.George, Chennai-600 009.
3. The Additional Chief Secretary and
Commissioner of Land Administration,
Ezhilagam, Chempauk,
Chennai-600 005.
4. The District Collector,
Dindigul Collectorate,
Dindigul District, Dindigul-624 004.
5. The District Revenue Officer,
Dindigul Collectorate Building,
Dindigul-624 004.
6. The Revenue Divisional Officer,
Sub Collector Office Road, Dindigul-624 001.
7. The Tahsildar (East),
East Taluk Office,
Dindigul District Treasury Office Road,
Dindigul-624 001.

+ 2 CC TO Mr.P.THIAAGARAJAN, ADVOCATE IN SR No. 53888, 53293
+ 1 CC TO Mr.A.HAJA MOHIDEEN, ADVOCATE IN SR No. 54069
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 54103
+1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 54116

KRK/SKM

TE/MMS/SAR-AE : 04/05/2017 : 5P/13C

W.A.(MD) No.150 of 2017
25.04.2017