

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 11.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE R.SURESH KUMAR

W.P.No.23715 of 2004

1. Kannan
2. Perumal
3. Seran @ Ganapathy

... Petitioners

Vs

1. Union of India  
rep. by Govt. of U.T. of Pondicherry,  
thro' Secretary to Govt.,  
Revenue Department,  
Pondicherry.
2. The Land Acquisition Officer-cum-  
Revenue Officer,  
Govt. of Pondicherry,  
Saram, Pondicherry,  
Pondicherry.

.... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pay interest to the petitioners in accordance with the provisions of the Land Acquisition Act in respect of the acquisition of their lands comprised in R.S.No.46/6, 81/1, 109/8 and 101/2 in Chinnakalapet Village, Pondicherry.

For Petitioners : Mr.R.Venkatesulu  
For Respondents : Mr.A.Gandhiraj,  
Govt. Pleader (P)

O R D E R

The prayer sought for herein is for issuance of a Writ of Mandamus, directing the respondents to pay interest to the petitioners in accordance with the provisions of the Land Acquisition Act, in respect of the acquisition of their lands comprised in R.S.No.46/6, 81/1, 109/8 and 101/2 in Chinnakalapet Village, Pondicherry.

2. The petitioners lands comprised in R.S.No.46/4, 81/1, 109/8 and 101/2 in Chinnakalapet Village, Pondicherry State had been acquired by the respondent Government under Land

Acquisition Act for which an initial compensation was paid. Subsequently, in view of the enhancement of compensation sought for by the petitioners, the said enhancement of compensation also has been paid by the respondent Government.

3. In this context, learned Government Advocate for the respondent Government would state that, though the petitioners is entitled to get the interest for the enhanced compensation provided if the said enhanced compensation is paid belatedly and therefore, in this context the amount of enhanced compensation paid to the petitioners and what was actually due as from which date the said interest can be calculated, is to be claimed by the petitioners. Therefore, in this regard, if a working sheet is filed by the petitioners, to the respondent Government, certainly, the respondent Government shall consider it and whatever the entitlement of interest only for the enhanced compensation, that too for the payment made belatedly and for the period from the date of due, till the date of payment, would be assessed based on the working sheet to be filed by the petitioners and accordingly, the same would be paid to the petitioners.

4. I have heard the learned counsel for the petitioners as well as the learned Government Pleader appearing for the respondents.

5. In view of the said submission made by both the learned counsel, there can be no quarrel on the issue raised in this writ petition as to the entitlement of the petitioners to get the interest for the belated payment of enhanced compensation for the land acquired by the respondent Government.

6. In this context, if the petitioners even though claim that, they had already given the claim, once again let the petitioners can give the said claim of interest for the belated payment of enhanced compensation. Once such working sheet is filed by the petitioners, the same shall be considered and order shall be passed for interest enhanced compensation.

7. In the result, this writ petition is disposed of with the following direction:

(i) That the petitioners shall give a working sheet to the respondent Government with the claim that as to how much the petitioners are entitled to get as interest towards the belated payment of enhanced compensation for the acquisition of the lands of the petitioners, within a period of two weeks from the date of receipt of a copy of this order.

(ii) On receipt of such working sheet from the petitioners, the respondents shall consider it and pass necessary orders for making the payment of interest for the

belated payment of enhanced compensation, within a period of six weeks thereafter.

(iii) It is made clear that, after any order passed and amount is paid as directed above, if the petitioners have got any grievance with regard to the payment calculated by the respondents Government, it is open to the petitioners to agitate the issue in the manner known to law.

With these directions, this writ petition is disposed of.  
No costs.

Sd/-  
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Govt.,  
Union of India  
Govt. of U.T. of Pondicherry,  
Revenue Department,  
Pondicherry.
2. The Land Acquisition Officer-cum-  
Revenue Officer,  
Govt. of Pondicherry,  
Saram, Pondicherry,  
Pondicherry.

+1cc to Mr.Usha Raman, Advocate, S.R.No. 63530  
+1cc to the Government Pleader cum Public Prosecutor  
(Puducherry), S.R.No. 63171

W.P.No.23715 of 2004

CP(CO)  
GN(05/10/2018)