

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.03.2019

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. No.960 of 2019

S.Ranganathan

.... Petitioner

Versus

1. The Secretary to Government,
Industrial Department,
Fort St. George,
Chennai - 600 009
2. The Secretary to Government
Finance Department,
Fort St.George, Chennai - 600 009.
3. The Managing Director,
SIPCOT,Egmore, Chennai - 600 008.
4. The District Collector,
Kancheepuram District.
5. The Special Tahsildhar (L.A.)
SIPCOT, Unit - II,
Sriperumbudur Expansion Scheme - II,
Sriperumbudur,
Kancheepuram.

... Respondents

Prayer :

Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus to direct the respondents to disburse to the 9% penal interest, Solatium and 12% additional market value of the acquired land under Section 12 of the Tamil Nadu Acquisition of land for Industrial Purposes Act, 1997 read with Section 23 of Land Acquisition Act 1894.

For Petitioner : Mr.G.Saravanabhavan

For Respondents: Mr.D. Raja,
Additional Government Pleader
for RR1 and 2
Mrs.Sudharshana Sunder for R3

ORDER

According to the petitioner, his father owned agricultural lands in Survey Nos.136/13, 136/15, 136/17B, 137/1A, 137/2, 134/5B and 134/9C in Palnallur Village, Sriperumbudur Taluk, Kancheepuram District, measuring to an extent of 1 acre 87 cents . In the year 2009, his lands were acquired by the Government for establishing SIPCOT. Thereafter, the Government had passed G.O.MS.No.85, Industry (SIPCOT - LA) Department, dated 17.04.2013, fixing the compensation in respect of the lands acquired by them. Consequently, the quantum of compensation was finalized by the respondents on 28.02.2018 and 01.03.2018 without 9% penal interest, Solatium and 12% additional market value. The grievance of the petitioner is that as his father's lands were acquired, the petitioner has submitted a representation to the respondents seeking Solatium, interest and 12% additional market value etc. However, the same has not been considered, so far. Hence, this writ petition.

2. The learned counsel for the petitioner contended that the petitioner is entitled to receive interest from the date of taking over possession of the petitioner's lands till the date of payment of the compensation amount besides Solatium, as per the provisions of the Act. The learned counsel further contended that the petitioner is also entitled for an additional compensation, since his father has not voluntarily entered into the agreement with the respondents and it was forcibly obtained by them. Hence, the learned counsel sought for appropriate relief to the petitioner.

3. The learned counsel appearing for the 3rd respondent / SIPCOT strenuously objected to the allegation put forth by the learned counsel for the petitioner that the lands were acquired from the petitioner, forcibly and fraudently, by adopting coercive method. He has submitted that the petitioner had come forward voluntarily and signed the agreement. Based on the same, the award was passed by the District Collector / 4th respondent. The learned counsel further submitted that when no materials whatsoever has been placed before this Court to establish the alleged coercive action, taken by the respondents, the plea of the petitioner may have to be brushed aside.

4. The learned Additional Government Pleader appearing for respondents 1 and 2 has also conceded with the arguments of the learned counsel for the 3rd respondent. According to him, no complaint has been received from the petitioner for the past two years and hence, the allegation made by him is baseless. According to the learned Additional Government Pleader, the

petitioner is not even entitled for Solatium and additional compensation and such pleas are liable to be rejected. However, he fairly submitted that the petitioner is entitled for interest from the date of taking over possession of the lands till the date of payment of compensation amount to him, as per the provisions contemplated under Section 12 of the Act.

5. Considered the rival submissions of the learned counsels on either side and perused the records.

6. It is evident that no material has been produced by the petitioner before this Court to substantiate his contention that his signature was obtained in the agreement forcibly by adopting coercive method. When such being the case, this Court cannot accept the contention of the petitioner that his lands were acquired forcibly by the respondents. Since, the petitioner has entered into the agreement voluntarily, the provisions of the Act would not apply with regard to Solatium and additional compensation are concerned.

7. Insofar as the other contention of the petitioner with regard to interest for the belated payment of compensation amount, which has also been agreed upon by the learned Additional Government Pleader appearing for the respondents 1 and 2, this Court is of the opinion that under Section 12 of the Act, the petitioner is entitled for the same. Hence, the petitioner is directed to approach the 4th respondent with respect to interest for the belated payment by submitting appropriate forms. On such application being moved, the 4th respondent shall consider the same on merits and in accordance with law and pass appropriate orders with respect to interest alone at 9% p.a. from the date of taking possession till the date of payment of the compensation amount, as expeditiously as possible, preferably, within a period of 12 weeks from the date of receipt of a copy of the order.

8. With the above observations and direction, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vsi2

To

1. The Secretary to Government,
Industrial Department,
Fort St. George,
Chennai - 600 009
 2. The Secretary to Government
Finance Department,
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Chennai - 600 009.
 3. The Managing Director,
SIPCOT,
Egmore,
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 5. The Special Tahsildhar (L.A.)
SIPCOT, Unit - II,
Sriperumbudur Expansion Scheme - II,
Sriperumbudur,
Kancheepuram.
- +1cc to Mrs.Sudharshana Sunder, Advocate, S.R.No.21586
+1cc to the Government Pleader, S.R.No.22053

SVI (CO)
CS/25/06/2019

W.P.No.960 of 2019

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