

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2019

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.2677, 2687, 2697, 2703, 2709, 2717, 2725 of 2019
and
W.M.P.No.2943, 2946, 2953, 2958, 2964, 2973 and 2979 of 2019

S.Murali
S/o.Late S.Swaminathan,
Flat No.B3, Vishwaroopa,
No.21, 2nd Main Road, Ram Nagar,
Nanganallur, Chennai 600 061. ..Petitioner in WP.2677/19

Rajmoihamad Sayyadnoor Shaikh
S/o.S.B.Shaikh Plot No.148 Sector 26
Pradikaran Nigidi Pune-26. ...Petitioner in WP.2687/19

B.S.Purushotham
S/o. B.Anantharamakrishnan No.1/4 Swathi
Court No.43 Vijayaraghava Road T.Nagar
Chennai 600 017. ...Petitioner in WP.2697/19

Sajida Imran Khan
W/o.Imran Khan No.1/24 C Ranjith Road
Kotturpuram Chennai 600 085. ...Petitioner in WP.2703/19

G.Imran Khan
S/o.S.Gaffar Khan No.1/24C Ranjith Road
Kotturpuram chennai 600 085 ..Petitioner in WP.2709/19

B.Suryanarayanan
S/o.B.Anantharamakrishnan Flat No.4 1st
floor Swathi complex No.10 Bazullah Road
T.Nagar chennai 600 017 ..Petitioner in WP.2717/19

Nafisa Jeddy
W/o.Nadeem Jeddy No.29/23 Ranjith Road
Kotturpuram chennai 600 085 ..Petitioner in WP.2725/19

Vs.

- 1 The State of Tamil Nadu
Rep. by its Principal Secretary Industries
Department Fort St. George Secretariat
Chennai 600 009

- 2 The District Collector
Kancheepuram District. Collectorate
Kancheepuram 631501.
- 3 The Revenue Divisional Officer,
Kancheepuram Collectorate,
Kancheepuram 631501.
- 4 The Special Tahsildar
SIPCOT Sriperumbudur Pillaipakkam
Kancheepuram District.
- 5 The Chairman Cum Managing Director,
SIPCOT, 19-A Rukmani Lakshmipathi Road,
Egmore Chennai 600008. ...Respondents in all WPs

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus,

calling for the records relating to the order in Na.Ka.No.30319/2008/F5 dated 10/10/2018 passed by the 2nd Respondent and quash the same in so far as it is against the petitioner and consequently direct the 2nd respondent to pay interest on the said amount of Rs.375/-per sq. ft. from the year 2011 when the lands were surrendered till date of payment in respect of petitioners land measuring 7200 sq.ft in Plot No.162 in S.No.219/1, 213/2, 217/2, 218/4.

Calling for the records relating to the order in Na.Ka.No.30319/2008/F5 dated 10/10/2018 passed by the 2nd Respondent and quash the same in so far as it is against the petitioner and consequently direct the 2nd respondent to pay interest on the said amount of Rs.375/-per sq. ft. from the year 2011 when the lands were surrendered till date of payment in respect of petitioners land measuring 4682 sq.ft in Plot No.140 in S.No.213/1, 213/2.

Calling for the records relating to the order in Na.Ka.No.30319/2008/F5 dated 10/10/2018 passed by the 2nd Respondent and quash the same in so far as it is against the petitioner and consequently direct the 2nd respondent to pay interest on the said amount of Rs.375/-per sq. ft. from the year 2011 when the lands were surrendered till date of payment in respect of petitioners land measuring 7200 sq.ft in Plot No.163 in S.No.219/1 213/2.A 213/B 219/1B 7160.98. sq.ft in plot No.164 in S.Nos219/1A 219/1B 213/2B 213/2A 7202.40 Sq. ft in Plot No.165 in S.Nos. 219/1A 219/1B 213/2A 6754.74 sq.ft in Plot No.139 in S.Nos.213/2A,213/1.

Calling for the records relating to the order in Na.Ka.No.30319/2008/F5 dated 10/10/2018 passed by the 2nd Respondent and quash the same in so far as it is against the petitioner and consequently direct the 2nd respondent to pay interest on the said amount of Rs.375/-per sq. ft. from the year 2011 when the lands were surrendered till date of payment in respect of petitioners land measuring 3052 sq.ft in Plot No.141 in S.No.213/1, 213/2, 213/2, 217/1.

Calling for the records relating to the order in Na.Ka.No.30319/2008 / F5 dated 10.10.2018 passed by the 2nd Respondent and quash the same in so far as it is against the petitioner and consequently direct the 2nd Respondent to pay interest on the said amount of Rs. 375/-per sq.ft from the year 2011 when the lands were surrendered till date of payment in respect of petitioners lands measuring 1532 sq.ft in plot No.140 in S.Nos.213/1, 213/2, 217/2.

Calling for the records relating to the order in Na.Ka.No.30319/2008/F5 dated 10.10.2018 passed by the 2nd Respondent and quash the same in so far as it is against the petitioner and consequently direct the 2nd Respondent to pay interest on the said amount of Rs. 375/-per sq.ft from the year 2011 when the lands were surrendered till date of payment in respect of petitioners lands measuring 5067 sq.ft in plot No.142 in S.Nos.218/5,217/2.

Calling for the records relating to the order in Na.Ka.No.30319/2008 / F5 dated 10.10.2018 passed by the 2nd Respondent and quash the same in so far as it is against the petitioner and consequently direct the 2nd Respondent to pay interest on the said amount of Rs. 375/-per sq.ft from the year 2011 when the lands were surrendered till date of payment in respect of petitioners lands measuring 3052 sq.ft in plot No.141 in S.Nos.213/1,213/2,217/2.

For Petitioners : Mr.A.R.L.Sundaresan,
in all W.Ps. Senior Counsel for
Mrs.AL.Gandhimathi

For Respondent No.1 to4 : Mr.D.Raja, A.G.P.
in all W.Ps.

For Respondent No.5 : Mr.Ramesh Venkatachalapathy
in all W.Ps.

COMMON ORDER

The dispute involved in all the writ petitions are one and the same, challenging the order passed by the second respondent in Na.Ka.No.30319/2008/F5, dated 10.10.2018, all the writ petitions are taken up for disposal by this common order.

2. The dispute revolved in the present writ petition is short compass that the petitioners have agreed for the private negotiation under Section 7(2) of the Tamilnadu Acquisition of land for Industrial Purpose Act, 1997. According to the counsel for the petitioner, award has been passed fixing the compensation amount at the rate of Rs.375/- per sq.ft. Pursuant to the order passed by this Court on 27.3.2013 in W.P.No.2899 of 2013 to dispose of the representations, dated 7.5.2012 and 3.12.2012, petitioners were called upon by the 5th respondent and the petitioners were agreed to part away with various extent of lands for the purpose of formation of burial ground as an alternative site in the interest of villagers of Pillaipakkam. Thereafter, the 4th respondent carried out inspection and by letter, dated 12.12.2014 recommended to the second respondent that compensation to the respective land owners can be paid at Rs.300/- (Guideline value) + 150% of the guideline value. Even though lands have been taken over for the purpose of formation of burial ground and bodies have been buried day in and day out, compensation amount has not been paid to the land owners. Hence, the petitioners have filed W.P.No.22992 of 2016 before this Court to pay compensation to the landowners. This Court by order, dated 1.3.2018 directed the second respondent to pass final orders within a period of three weeks from the date of receipt of copy of the order and in the event of approval granted by the 2nd respondent, the 5th respondent was directed to pay the compensation within a period of 8 weeks therefrom. The second respondent has stated that he does not have the powers to approve fixation of land value of more than Rs.2 Crores. The petitioners without prejudice to their rights in the said order, dated 12.3.2018 in W.P.No.22992 of 2016, agreed for the payment of Rs.375/- per sq.ft. towards compensation together with interest. Even though the order has been passed by the second respondent on 10.10.2018, quantified the amount of compensation through private negotiation, the compensation amount has not been paid to the petitioners. Therefore, the present writ petitions have been filed before this Court challenging the order passed by the second respondent in so far as it is against the petitioners and consequently, direct the second respondent to pay interest on the said amount of Rs.375/- per sq.ft. from the year 2011.

3. The 5th respondent viz., SIPCOT filed counter affidavit wherein it is stated that SIPCOT sought clarification before making deposit of compensation with the second respondent. Initially, by letter, dated 5.7.2018, the second respondent confirmed the payment should be made along with interest calculated from the year 2011 and the second respondent quantified the amount. Since the compensation has been fixed by the second respondent through private negotiation, the 5th respondent is always ready to settle the amount payable to the land owners on receipt of final amount from the second respondent. The learned standing counsel appearing for the 5th respondent also agreed that in so far as the interest is concerned, agreed to pay the eligible interest to the petitioner as determined by the second respondent.

4. The learned Additional Government Pleader appearing for the respondents 1 to 4 would submit that the award has been passed by accepting the private negotiation. Agreement was entered into between the parties and due to administrative difficulties, the interest amount has not been determined by the District Collector at the time of passing the award. The second respondent is ready to determine the interest as claimed by the petitioners herein and the same shall be forwarded to the 5th respondent for settling the amount to the petitioners.

5. In view of the submissions made by the parties, with the consent of parties, this Court is inclined to pass the following order:

(i) The second respondent shall determine the interest in accordance with law, for Rs.375/- per sq.ft. fixed as compensation payable to the land owners, to be calculated from the year 2011 till the date of passing the order, within a period of four weeks from the date of receipt of copy of the order.

(ii) On receipt of the final amount determined by the second respondent, the 5th respondent shall pay the said amount to the second respondent, within a period of four weeks therefrom.

(iii) On receipt of payment from the 5th respondent, the second respondent is directed to disburse the interest amount to the petitioners, within a period of four weeks therefrom.

(iv) Since the principal amount has already been deposited by the 5th respondent, the petitioners shall approach the second respondent for the withdrawal of the principal amount.

(v) If any such request made by the petitioners, the second respondent shall disburse the said amount to the petitioners, within a period of four weeks from the date of request of the petitioners.

With the above directions, all the writ petitions are disposed of. No costs. Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

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Sub Assistant Registrar

To

- 1 The Principal Secretary,
State of Tamil Nadu, Industries Dept., Fort St. George,
Secretariat, Chennai 600 009
- 2 The District Collector, Kancheepuram District.
- 3 The Revenue Divisional Officer,
Kancheepuram Collectorate, Kancheepuram 631501.
- 4 The Special Tahsildar
SIPCOT Sriperumbudur Pillaipakkam, Kancheepuram District.
- 5 The Chairman Cum Managing Director,
SIPCOT, 19-A Rukmani Lakshmipathi Road, Egmore
Chennai 600008.

+1 cc to M/s.AL.Gandhimathi, Advocate, S.R.No.40403

+1 cc to M/s.Ramesh Venkatachalapathy, Advocate, S.R.No.40880

+1 cc to the Government Pleader, S.R.No.40663

+6 cc to M/s.AL.Gandhimathi, Advocate, S.R.No.40403 (3/7/19)

W.P.No.2677, 2687, 2697, 2703,
2709, 2717, 2725 of 2019 and
W.M.P.No.2943, 2946, 2953, 2958, 2964,
2973 and 2979 of 2019 of 2019

PP (CO)
SSM(21/06/2019)
SSM(03/07/2019)