

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 28.01.2019

CORAM
THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.23044 of 2005

Mohamed Marakayar

...Petitioner

Vs

1.State of Tamil Nadu,
rep by District Collector,
Cuddalore.

2.The Special Tahsildar,
Adi Dravidar Welfare,
Cuddalore.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pay interest on the compensation amount of Rs.1,03,781 at 9% per annum from 07.10.91 to 6.10.92 and at 15% from 7.10.92 till 07.4.2005 when the principal amount was paid.

For Petitioner : Mr.R.Sunil Kumar

For Respondents : Mr.M.Elumalai, GA

O R D E R

The learned counsel for the petitioner states that the writ petitioner is entitled for interest for the belated payment of compensation in respect of the lands acquired from him.

2. The relief sought for in the present writ petition is to direct the respondents to pay interest on the compensation amount of Rs.1,03,781/- at 9 % per annum from 07.10.1991 to 06.10.1992 and at 15 % from 07.10.1992 till 07.04.2005, when the principal amount was paid.

3. Earlier the very same writ petitioner filed W.P.No.11985 of 2003 and this Court passed an order on 22.10.2003. The order states that " it is for the Special Tahsildar (Adi Dravidar Welfare, Cuddalore) to refer the matter to the Sub Court under Section 30 of the Land Acquisition Act. In the same order, it is further mentioned that if the petitioner is entitled for compensation as per the award, he may be permitted to withdraw the amount already deposited and any application is made for

enhancement necessary order may be passed thereafter. Since, the order has not been complied with, the petitioner filed contempt petition No. 1084 of 2004. By that time, the compensation amount had been settled in favour of the writ petitioner and therefore, in the contempt petition, this Court passed an order dated 01.04.2005 as under,

I am of the view, that no further adjudication is required in this contempt petition. Accordingly, the same is closed. With reference to the claim of the petitioner regarding interest for belated payment, if the same is permissible under law, the petitioner is free to agitate the same by way of fresh representation before the Authority concerned."

4. In the contempt petition, this Court had issued direction directing the petitioner to agitate his claim in respect of interest by way of a fresh representation before the competent authority concerned.

5. The learned counsel for the writ petitioner himself admits that no such representation was submitted after the order was passed by this Court in the Contempt petition.

6. The learned Government Advocate has stated that in view of the fact that no representation is received from the writ petitioner, the authorities competent had no occasion to consider the claim of the writ petitioner for grant of interest as claimed.

7. In view of the above submissions, this Court is of the opinion that the writ petitioner ought to have submitted atleast representation before the competent authorities enabling them to consider the same, in view of the fact that no such representation was submitted during the appropriate time. The writ petitioner is at liberty to approach the authority by making representation once again, if such claims are permissible under Section 34 of the Land Acquisition Act. In the event of submitting any such representation, the authorities competent are at liberty to consider the same on merits and in accordance with law and pass orders.

8. Accordingly, the writ petition stands dismissed. No, costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

kmm

To

1.The District Collector,
Cuddalore.

2.The Special Tahsildar,
Adi Dravidar Welfare,
Cuddalore.

+1cc to Mr.R.Sunil Kumar, Advocate, S.R.No.6992

+1cc to the Government Pleader, S.R.No.6969

W.P.No.23044 of 2005

PVS (CO)

rrs 28/02/2019



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