



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2019

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.27992 of 2005

A.L.Saravanakumar

Rep by Power Agent A.Loganathan

...Petitioner

Vs.

1.The State of Tamil Nadu rep.
by Secretary to Government,
Social Welfare Department,
Fort St. George, Chennai-9.

2.The District Collector,
Coimbatore.

3.The Special Tahsildar (ADW),
Pollachi.

... Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, declaring the payment of solatium and interest provided under Sections 7(2) and 12 of Tamil Nadu Act 31 of 1978, as illegal, unconstitutional, discriminative and violative of Articles 14 and 19 of the Constitution of India and consequently direct the respondents to provide solatium at 30%, additional amount of compensation at 12% and interest at 9% for the first year from the date of Section 4(1) notification and thereafter at 15% till date of payment as provided under Section 23(1A), 23(2) and 28 of the Land Acquisition Act 1 of 1894 insofar it relates to the petitioner is concerned.

For Petitioner : Mr.A.Sivaji

For Respondents: Mr.M.Elumalai, Government Advocate

O R D E R

The petitioner filed this Writ Petition, to issue a Writ of Declaration, declaring the payment of solatium and interest provided under Sections 7(2) and 12 of Tamil Nadu Act 31 of 1978, as illegal, unconstitutional, discriminative and violative



of Articles 14 and 19 of the Constitution of India and consequently direct the respondents to provide solatium at 30%, additional amount of compensation at 12% and interest at 9% for the first year from the date of Section 4(1) notification and thereafter at 15% till date of payment as provided under Section 23(1A), 23(2) and 28 of the Land Acquisition Act 1 of 1894 insofar it relates to the petitioner is concerned.

2. On an earlier occasion, the similarly placed person filed a writ petition in W.P.No.6532 of 2007 challenging the validity of Sections 7(2) and 12 of Tamil Nadu Acquisition of Land for Harijana Welfare Schemes Act, 1978 (Tamil Nadu Act 31 of 1978) providing for reduction in solatium and interest as violative of Articles 14 and 19 of the Constitution. However, the said writ petition was dismissed on 08.09.2008 along with batch of cases in W.P.(MD).No.3273 of 2004 etc. batch. As against the dismissal of the said writ petition, an appeal has been preferred in W.A. (MD) No.659 of 2009 and W.A.No.1525 of 2018 and the same are pending before this Court.

3. The very same issue had already been raised before the Hon'ble Apex Court challenging the validity of Sections 7(2) and 12 of Tamil Nadu Acquisition of Land for Harijana Welfare Schemes Act, 1978 (Tamil Nadu Act 31 of 1978) providing for reduction in solatium and interest as violative of Articles 14 and 19 of the Constitution. However, the Hon'ble Supreme Court upheld the validity of the Act in the decision reported in (1995) 1 SCC 519 in the case of State of Tamil Nadu and others vs. Ananthiammal and Others.

4. In view of the above, this Court is not inclined to entertain the writ petition and accordingly the same is closed. However, liberty is granted to the petitioner to workout his remedy in the event of succeeding in the said writ appeal filed by the similarly placed person. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Social Welfare Department,
Fort St. George, Chennai-9.



2.The District Collector,
Coimbatore.

3.The Special Tahsildar (ADW),
Pollachi.

+1cc to the Government Pleader sr.58050

W.P.No.27992 of 2005

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srg 08/08/2019