

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2019

CORAM: THE HONOURABLE Mr.JUSTICE N.SESHASAYEE

Cont.P.No.924 of 2019

and

Sub Application No.319 of 2019

1.Athikesavan
2.Pattammal
3.Chandra
4.Muniyammal
5.Pappammal
6.Archanadevi
7.Kasturi
8.Sengammal
9.Anandammal

... Petitioners / Petitioners

Vs

Smt.Chitra
The Special Tahsildar (Land Acquisition) Unit-II
Kannankottai - Thervoykandigai
Reservoir Scheme
Gummidipoondi Taluk @ Kavarapettai
Thiruvallur.

... Respondent / 5th respondent

Prayer : Contempt Petition filed under Section 11 of Contempt of Court Act, 1971, to punish the respondent herein for having disobeyed willfully, wantonly and deliberately the order dated 09.01.2018 passed by this Court in W.P.No.33736 of 2016.

For Petitioners : Mr.N.Nithianandam

For Respondent : Mr.M.Elumalai, Government Advocate

ORDER

This contempt petition is filed to initiate appropriate action against the respondent for her wilful disobedience to the order of this Court dated 09.01.2018 in W.P.No.33736 of 2016

2. The learned counsel for the petitioners submitted that in terms of the Order of this Court dated 09.01.2018 in W.P.No.33736 of 2016, confirmed by the Division Bench of this Court in W.A.No.1666 of 2018, the contemnor has not paid the compensation.

3. The learned Government Advocate appearing for the contemnor submitted that whatever that has been quantified by the fifth respondent/Land Acquisition Authority has already been disbursed.

4. The learned counsel for the petitioners would now submit that what has been quantified is only an interim award and the final award has not been passed yet. He would add that the award was passed after the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act No.30/2013), came into force and the petitioners are entitled to be compensated in terms of the Central Act No.30/2013.

5. The operative portion of the Order dated 09.01.2018 in W.P. No.33736 of 2016 reads as below :

"8. In the said circumstances, the separate Orders dated 27.06.2016 passed by the fifth respondent in favour of each of the petitioners is hereby quashed and the fifth respondent is further directed to disburse the compensation among as has been determined by him, the fifth respondent, within twelve weeks from the date of receipt of a copy of this order. This petition is disposed of accordingly. No costs."

Touching the same, the Division Bench of this Court in paragraph No.15 & 16 of its Order dated 14.12.2018 in W.A.No.1666 of 2018 has confirmed the Order in W.P. No.33736 of 2016 dated 09.01.2018, which reads as below :

"15. Therefore, from the reading of the above judgment, it is clear that once the provisions of the 1894 Act are invoked and proceeded with waiving their rights over the lands, the appellants cannot legally and factually deny compensation for the acquired lands of the respondents/writ petitioners. Further, Sections 4(1), 9(3) and 10 and passed awards under Sections 11 and 12(2) of the Act, in the name of the respondents/writ petitioners treating the lands in question as that of the respondents/writ petitioners, is estopped from denying the interim compensation or compensation for the lands by the impugned proceedings."

16. Thus, we do not find any infirmity or illegality in the order passed by the learned Single Judge and accordingly, this writ appeal fails and the same is dismissed, confirming the order dated 09.01.2018 passed in W.P.No.33736 of 2016. No costs. Consequently, the connected civil miscellaneous petition is also dismissed."

6. The counsel for the petitioners' submission is based on an expression that interim compensation as is available in the Orders of the Division Bench. However, it needs to be emphasised that the entire sentence reads as "interim compensation or compensation". Be that as it may, this Court is also given to understand that a final award has been passed and it is pending with the Government.

7. The contention of the petitioners require some interpretation, and it cannot be decided in a contempt proceedings. At any rate, since passing of the final award is in the process, this Court cannot ignore this development. If however, the petitioners feel aggrieved, that they have not been paid the compensation in terms of the Central Act No.30/2013, they will be at liberty to pursue such appropriate remedy as are available in law for them to realise the same without reference to limitation, if any, provided for the same.

8. In view of the above, this contempt petition is closed.
Consequently, connected miscellaneous petition is closed.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

ds

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

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Smi/10/09/2019

To:

The Special Tahsildar (Land Acquisition) Unit-II
Kannankottai - Thervoykandigai
Reservoir Scheme
Gummidipoondi Taluk @ Kavarapettai, Thiruvallur.