



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.12.2019

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P.(MD)No.14876 of 2015

Thiruvaduthurai Adheenam, Thiruvaduthurai,
through its Adheenakarthar,
Sri-La-Sri maha Sannithanam.

... Petitioner

vs.

1.The District Collector,
Karur.

2.The Revenue Divisional Officer,
Karur.

3.The Tahsildar,
Karur.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents to deposit a sum of Rs.6,49,795/- with subsequent interest at 24% per annum, solatium from the date of award and other amount legally due to the petitioner and damages fixed by this Court for the land acquired by respondents about 4.97.5 Hectares in S.F.No.27 at K.Paramathi Village, Aravakurichi Taluk, Karur District within the time fixed by this Court.

For Petitioner :Mr.S.Manohar

For Respondents :Mr.M.Rajarajan Government Advocate

O R D E R

This Writ Petition is filed for issuing a Writ of Mandamus to direct the respondents to deposit a sum of Rs.6,49,795/- with subsequent interest at 24% per annum and solatium from the date of award and other amount legally due to the petitioner and damages fixed by this Court for the land acquired by respondents about 4.97.5 Hectares in S.F.No.27 at K.Paramathi Village, Aravakurichi Taluk, Karur District within the time fixed by this Court.

2.The property measuring to an extent of 4.97.5 Hectares of land in S.F.No.27 at K.Paramathi Village, Aravakurichi Taluk, Karur District was acquired by the Government for Power Grid Corporation, which was required for construction of 400/220kv Sub Station by the respondents. It is admitted that after acquisition of land, an award came to be passed on 15.05.2006 fixing compensation for the land. It is also stated that a sum of Rs.6,49,795/- had been arrived at as compensation by the Land Acquisition Officer.



3. From the award, dated 15.05.2006, it is seen that some individuals have raised objection with regard to the payment of compensation to the petitioners, in whose name the land was registered. Since there was a rival claim at the time of passing the award, the Land Acquisition Officer directed the compensation amount to be deposited in Court deposit, so that the amount can be paid to the petitioner or anyone, whose claim is upheld by the Court. The petitioner claims that the property acquired earlier is registered in its name and that therefore, the respondents should be directed to deposit the money in Court as per the award. Sections 30 and 31 of Land Acquisition Act 1948, read as follows:

30. Disputes as to apportionment:- When the amount of compensation has been settled under section 11, if any dispute arises as to the apportionment of the same or any part thereof, or as to the persons to whom the same or any part thereof is payable, the Collector may refer such dispute to the decision of the Court.

31. Payment of compensation or deposit of same in Court:-

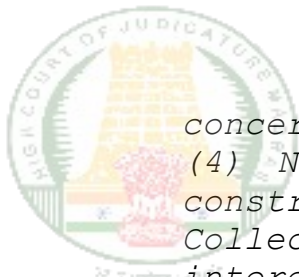
(1) On making an award under section 11, the Collector shall tender payment of the compensation awarded by him to the persons interested entitled thereto according to the award and shall pay it to them unless prevented by some one or more of the contingencies mentioned in the next sub-section.

(2) If they shall not consent to receive it, or if there be no person competent to alienate the land, or if there be any dispute as to the title to receive the compensation or as to the apportionment of it, the Collector shall deposit the amount of the compensation in the Court to which a reference under section 18 would be submitted; Provided that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount:

Provided also that no person who has received the amount otherwise than under protest shall be entitled to make any application under section 18:

Provided also that nothing herein contained shall affect the liability of any person, who may receive the whole or any part of any compensation awarded under this Act, to pay the same to the person lawfully entitled thereto.

(3) Notwithstanding anything in this section the Collector may, with the sanction of the appropriate Government instead of awarding a money compensation in respect of any land, make any arrangement with a person having a limited interest in such land, either by the grant of other lands in exchange, the remission of land-revenue on other lands under the same title, or in such other way as may be equitable having regard to the interests of the parties



concerned.

(4) Nothing in the last foregoing sub-section shall be construed to interfere with or limit the power of the Collector to enter into any arrangement with any person interested in the land and (As to persons who are competent to contract, see s.11 of the Indian Contract Act, 1872 (9 of 1872).)competent to contract in respect thereof."

4. Reading of both provisions would indicate that the second respondent, namely, the Land Acquisition Officer, has to refer a dispute relating to apportionment to the Court under Section 30 of the Act. However, the respondents have neither referred the matter under Sections 30 or 31 of the Act or deposited the money in Court, as it was required.

5. The land owner is entitled to interest, as contemplated under the provisions of Land Acquisition Act. It is not in dispute that the land was taken long back and possession was also taken. Hence, the State is required to pay compensation for the land owners by calculating interest at the rate of 15% from the date of taking possession, except for the first year, where the rate of interest is only at 9%. In such circumstances, by directing the respondents to deposit the money in Court, the petitioner will be put to serious prejudice and hence, the Writ Petition is disposed of with the direction to the second respondent, namely, the Land Acquisition Officer, to refer the dispute with regard to apportionment before the appropriate Court within a period of six weeks from the date of receipt of a copy of this order. The intimation regarding reference also should be communicated to the petitioner as well as other persons, who have raised objection regarding disbursement of compensation to the petitioner at the time of passing of award. The Reference Court, on such reference, is directed to pass orders on merits within a period of six months from the date of such reference. No costs.

Sd/-

Assistant Registrar (Crl.side)

// True Copy //

Sub Assistant Registrar(CS)

cmr

To

1. The District Collector, Karur.
2. The Revenue Divisional Officer, Karur.
3. The Tahsildar, Karur.

+1 CC to M/s.S.MANOHAR, Advocate (SR-104943[F] dated 13/12/2019)

+1 CC to M/s.SPL GP (SR-105066[F] dated 16/12/2019)

W.P.(MD)No.14876 of 2015

13.12.2019

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