



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2021

CORAM

THE HON'BLE Mr. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.19840 of 2016

and

W.M.P.Nos. 17112 to 17114 of 2016

& 20327 of 2018

1. V.Jayamani
2. R.Somasundaram
3. R.Selvam
4. Jayalakshmi
5. G.Vijaya @ Vijayalakshmi
6. R.Murugan

.. Petitioners

Vs

1. The Collector,
Cuddalore District - 607 001.

2. The Revenue Divisional Officer,
Cuddalore.

3. The Chairman & Housing Board,
Tamil Nadu Housing Board,
No.493, Anna Salai, Nandanam,
Chennai - 600 035.

4. The Executive Engineer &
Administrative Officer,
Villupuram Housing Board H1 Division,
Maharajapuram, East Pandi Salai,
Villupuram - 605 602.

.. Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus, calling for the records of the fourth respondent in Letter No.Ni.A1/24/90 dated 18.11.2013 and quash the same and direct the respondents to re-compute the compensation payable to the petitioners in respect of the land acquired by the official respondents @ Rs.15/- per sq.ft refix solatium and additional market value and interest on the compensation or in the alternative recompute and disburse compensation as per the Right to Fair Compnesation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

For Petitioners	:	Mr.Sundar Narayan
For R1 & R2	:	Mr.M.R.Gokul Krishnan
		Government Advocate
For R3 & R4	:	No appearance



ORDER

This Writ Petition has been filed to issue a writ of Certiorarified Mandamus, calling for the records of the fourth respondent in Letter No.Ni.A1/24/90 dated 18.11.2013 and quash the same and direct the respondents to re-compute the compensation payable to the petitioners in respect of the land acquired by the official respondents @ Rs.15/- per sq.ft refix solatium and additional market value and interest on the compensation or in the alternative recompute and disburse compensation as per the Right to Fair Compnesation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

2. The case of the petitioners is that the land to an extent of 65,889 sq.ft. belonged to the petitioner's father, which was acquired under the Award No.7/1988 dated 03.08.1988. The award passed at the rate of Rs.3/- per sq.ft. It was protested and made reference under Section 18(1) of the Land Acquisition Act which was numbered as LAOP No.24/1990, aggrieved by the same, an appeal was preferred in A.S.No.311 of 1994 and this Court fixed at the rate of Rs.6/- per sq.ft. Accordingly, the petitioners made representations before the first respondent claiming compensation under Section 28-A of the Land Acquisition Act. Accordingly, the first respondent considered the representations made by the petitioners and passed award at Rs.25,52,709/- in respect of the subject property.

3. The learned counsel for the petitioners would submit that some of the land owners raised objections and on their objections referred under Section 18 of the Land Acquisition Act. The Referral Court fixed at the rate of Rs.15/- per sq.ft in respect of 8 LAOPs. Aggrieved by the same, the respondents filed an appeal suit with condone delay petition and the same was dismissed. Therefore, without considering the award passed in LAOP, the Hon'ble Division Bench of this Court in batch of Appeal Suits determined the value of the property at Rs.6/- per sq.ft and the land owners are entitled to compensate with solatium at 30% with interest on solatium and additional compensation under Section 23(1-A) of the Land Acquisition Act. Therefore, he sought for on par with the other land owners fixed at the rate of Rs.15/- per sq.ft.

4. He further submitted that the petitioners' applications were considered and the first respondent passed an order on 30.04.2013 itself and fixed compensation at Rs.25,52,709/-. However, the fourth respondent issued cheque, that too only for a sum of Rs.16,86,702/- on 18.11.2013. Pending Writ Petition, the fourth respondent paid the remaining amount for a sum of Rs.8,66,007/-. Therefore, the petitioners are entitled for interest.



5. Heard, Mr.Sundar Narayan, the learned counsel appearing for the petitioners and Mr.M.R.Gokul Krishnan, Government Advocate appearing for the respondents 1 and 2.

6. In the batch of Appeal Suits, this Court determined the value at Rs.6/- per sq.ft. Though the Referral Court fixed at Rs.15/- per sq.ft., it cannot be considered, since the Hon'ble Division Bench of this Court determined the rate at Rs.6/- per sq.ft. Therefore, insofar as determining the value of the property, this Court is of the considered opinion, the first respondent rightly fixed the value at Rs.6/- per sq.ft.

7. Insofar as the remaining amount of Rs.8,66,007/- is concerned, while pending the writ petition, the fourth respondent paid the same on 06.06.2018. Admittedly, the remaining amount was not paid immediately after the order passed by the first respondent. Therefore, the petitioners are entitled to have interest at the rate of 15% per annum till the payment i.e., 06.06.2018. Accordingly, the fourth respondent is directed to pay the interest at the rate of 15% per annum for the remaining sum of Rs.8,66,007/- from 18.11.2013 to 06.06.2018 to the claimants within a period of four weeks from the date of receipt of a copy of this order.

8. With the above directions, the Writ Petition is disposed of. Consequently, connected Miscellaneous Petitions are closed. No cost.

Sd/-
Assistant Registrar (CS-V)

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Sub Assistant Registrar

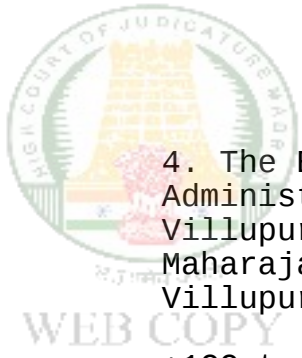
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To

1. The Collector,
Cuddalore District - 607 001.

2. The Revenue Divisional Officer,
Cuddalore.

3. The Chairman & Housing Board,
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4. The Executive Engineer &
Administrative Officer,
Villupuram Housing Board H1 Division,
Maharajapuram, East Pandi Salai,
Villupuram - 605 602.

+1CC to M/s.Sundar Narayan, Advocate, SR.No. 42829

+1CC to The Government Pleader, SR.No. 42697

W.P.No.19840 of 2016
and

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& 20327 of 2018

GP(CO)
B.VC (24/09/2021)