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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2021

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.35363 of 2019

M.Vadivelu

...Petitioner

-Vs-

1. The Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai - 600 035.

2. The Special Tahsildar,
(Land Acquisition) Unit V,
Tamil Nadu Housing Board,
Nandanam, Chennai - 600 035.

...Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents herein to pay the petitioner the compensation amount together with interest thereon till the date of payment in respect of the petitioner's land in Survey No.392/1 measuring 2480 sq.ft in Sholinganallur Village, Sholinganallur Taluk, Kancheepuram District by fixing a time limit.

For Petitioner : Mr.N.K.Sivakumar

For R1 : Mr.M.Baskar
Standing Counsel

For R2 : Mr.A.Selvendran
Special Government Pleader.

ORDER

This Writ Petition has been filed for the issuance of Writ of Mandamus, directing the respondents herein to pay the petitioner, the compensation amount together with interest thereon till the date of payment in respect of the petitioner's land in Survey No.392/1 measuring 2480 sq.ft in Sholinganallur Village, Sholinganallur Taluk, Kancheepuram District by fixing a time limit.



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2. Heard Mr.N.K.Sivakumar, learned counsel appearing for the petitioner, Mr.M.Baskar, learned Standing Counsel appearing for the first respondent and Mr.A.Selvendran, learned Special Government Pleader appearing for the second respondent.

3. The case of the petitioner is that the property comprised in Survey No.392/1, ad-measuring 2480 sq.ft situated in Plot No.4, 189, Sholinganallur, was purchased by the petitioner by the registered sale deed, dated 26.09.1984 registered vide Document No.2675 of 1984. The said land was acquired for Sholinganallur Housing Scheme by the respondents. After acquisition, the award was passed on 28.06.1993 in Award No.03 of 1993. The compensation amount has been deposited in the Sub Court, Poonamallee, as contemplated under Section 30 and 31(2) of the Land Acquisition Act, 1894. So far, the petitioner was not received any summons from the Sub Court, Poonamallee, to receive the compensation. Therefore, the petitioner filed a writ petition before this Court in W.P.No.38800 of 2002 and by an order dated 12.11.2002, directed the respondents to consider the request of the petitioner and pass order. So far, the respondents did not consider the same and failed to disburse the compensation amount.

4. The second respondent filed a counter and revealed that the compensation of the award amount has been deposited in the Civil Deposit on 05.05.1998 and as such the said deposit does not pay any interest. After the payment of compensation to other land owners, the remained balance compensation has been lapsed to Government.

5. As far as the compensation for the petitioner's land is concerned, the sum of Rs.17,795/- (Rupees Seventeen Thousand Seven Hundred and Ninety Five) is due to the petitioner and also produced the compensation calculation memo. The land value for 2480 sq.ft at Rs.556/- per cent comes around Rs.3163.64/-. The Solatium of 30% comes around Rs.949.09/-. 12% Additional market value from the date of 4(1) notification to the date of passing award i.e. 02.07.1990 to 28.06.1993, comes around Rs.1135.79/-. For this amount, along with the interest at the rate of 9% per annum from 01.06.2005 i.e. From the date of taking possession of the subject property to 31.05.2006, one year and 15% per annum as per Section 34 of the Land Acquisition Act, 1894 from the date, till the disbursement of the compensation and in total a sum of Rs.17,795/- (Rupees Seventeen Thousand Seven Hundred and Ninety Five) as on 30.09.2021.

6. Whereas, the learned counsel for the petitioner submitted that the respondents calculated interest only from 01.06.2005 i.e. Date of taking possession, instead of date of



award. In this regard, the learned counsel for the petitioner relied upon the judgment of this Court, passed in W.P.No.24465 of 2013, dated 22.11.2013. This Court awarded interest from the date of the award and also imposed cost of Rs.10,000/- payable by the housing board to the claimant.

7. Considering the above, the second respondent is directed to disburse the compensation amount, of Rs.5240.40/- with the interest at the rate of 9% from 29.06.1993 to 28.06.1994 and the interest at the rate of 15% per annum from the date of award i.e. 29.06.1994 till the disbursement, accordingly calculate and disburse the same within a period of two weeks from the date of receipt of a copy of this order. That apart, the petitioner is also entitled to cost for delay caused by the respondents in disbursement of compensation and the respondents are liable to pay a sum of Rs.10,000/- (Rupees Ten Thousand only) as cost to the petitioner along with the compensation.

8. With the above directions, this writ petition is disposed of. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Managing Director,
Tamil Nadu Housing Board,
Nandanam,
Chennai - 600 035.
2. The Special Tahsildar,
(Land Acquisition) Unit V,
Tamil Nadu Housing Board,
Nandanam, Chennai - 600 035.

+1cc to Mr.N.K.Sivakumar, Advocate, S.R.No.61155

W.P.No.35363 of 2019

MG[co]
NSK 29/11/2021