



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P(MD) No.3335 of 2021

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N.Surulinathan

... Petitioner

Vs.

1.The Principal Secretary,
Higher Education Department,
Government of Tamil Nadu,
Fort St.George, Chennai-9.

2.The Commissioner for Technical Education,
Technical Education Department,
Chennai - 600 025.

3.The District Collector,
Theni District,
Theni.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents herein to consider the representation of the petitioner dated 02.11.2020, for payment of interest accrued on the delayed payment of compensation for acquisition of petitioner's land in Survey No.319/3B measuring 48 cents in Melachockanathapuram Village, Bodinaickanur Taluk, Theni District.

For Petitioner

: Mr.H.Thayumanaswamy

For Respondent

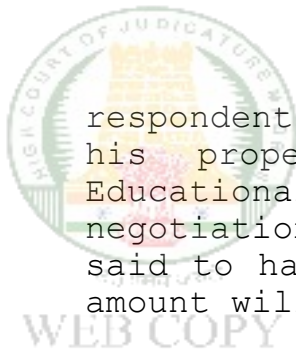
: Mr.P.Mahendran

Additional Government Pleader

O R D E R

This Writ Petition has been filed for the issue of a Writ of Mandamus, directing the third respondent to consider the representation made by the petitioner on 02.11.2020, wherein, the petitioner is seeking for payment of interest on the delayed payment of compensation, while acquiring the property belonging to the petitioner.

2.The case of the petitioner is that he was the owner of the subject property by virtue of a registered Settlement Deed, dated 08.04.2010. The further case of the petitioner is that the



respondents approached the petitioner and requested for acquiring his property for the purpose of establishing a Government Educational Institution. The petitioner entered into a private negotiation with the third respondent and the third respondent is said to have agreed to pay a sum of Rs.90/- per sq.ft and that the amount will also be deposited without any delay.

3.Pursuant to the above agreement, the petitioner executed a Sale Deed, dated 26.04.2012. According to the petitioner, the amount was not paid on the date of execution of the Sale Deed. The third respondent ultimately fixed the compensation, through the proceedings dated 23.04.2018 to the tune of Rs.18,81,792/-. (In the affidavit it was stated that Rs.18,87,792/-. Today the petitioner's counsel states that it is a clerical mistake). The petitioner filed WP(MD) No.13565 of 2019, before this Court, directing the third respondent to settle the entire monetary benefits. This Court disposed of the said Writ Petition, by an order dated 17.06.2019, after considering the proceedings of the third respondent, dated 23.04.2018 and directed the first respondent to pass appropriate orders, within a period of two weeks from the date of receipt of a copy of that order.

4.The further case of the petitioner is that there is a delay of eight years in paying the compensation to the petitioner. The petitioner, who was deprived of his property was made run pillar to post for getting compensation. According to the petitioner, he is entitled to payment of interest at the rate of 9% per annum, as per Section 34 of the Land Acquisition Act and this interest is payable from the date of taking of the possession till actual compensation is deposited.

5.The petitioner made a representation in this regard to the third respondent on 02.11.2020, seeking for payment of interest for the period from 26.04.2012 to 26.06.2020. Since the same was not considered, the present Writ Petition has been filed before this Court, seeking for appropriate payment.

6. I have heard Mr.H.Thayumanaswamy, the learned counsel appearing for the petitioner and Mr.P.Mahendran, the learned Additional Government Pleader appearing for the respondents.

7. Taking into consideration the facts and circumstances of the case and also the earlier orders passed by this Court, there shall be a direction to the third respondent to consider the representation made by the petitioner, dated 02.11.2020, and deal with the same strictly in accordance with law and pass appropriate orders, within a period of eight weeks, with regard to the payment of interest for delayed payment of compensation.



8.The petitioner is directed to make a fresh representation to the third respondent along with a copy of this order. A copy of the representation will also be marked to the first respondent. This Writ Petition is disposed of with the above directions. No costs.

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Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Principal Secretary,
Higher Education Department,
Government of Tamil Nadu,
Fort St.George, Chennai-9.

2.The Commissioner for Technical Education,
Technical Education Department,
Chennai - 600 025.

3.The District Collector,
Theni District,
Theni.

+1 CC to M/s.H.THAYUMANASWAMY, Advocate (SR-16606[F] dated 20/04/2021)

+1 CC to M/s.SPL GP (SR-16951[F] dated 21/04/2021)

W.P(MD) No.3335 of 2021

Dated 19.04.2021

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mmp(03.05.2021) 3P 6C