



WEB COPY

Cont.P. No.1323 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2022

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Cont. P. No. 1323 of 2019

in

W.P. No. 31737 of 2018

1. Sekar,
S/o. Ramer
2. Muniraji,
S/o. Govindasamy
3. Murugesan,
S/o. P.Kumarasamy
4. Unnamalai,
W/o. Subramani
5. Anandan,
S/o. Lakshamana Goundar
6. A. Anandan,
S/o. Arumugam

... Petitioners

Versus

1. Tmt. B. Priyanka Pankajam, I.A.S.,
The Special Tahsildar, (Land Acquisition),
Revenue Divisional Officer,
Tirupattur, Vellore Dt.
2. Dr. Atulya Misra, I.A.S.,
The Additional Chief Secretary to
Government, Revenue Department,
Secretariat, St. George Fort,
Chennai-600 009.

3. The Additional Chief Secretary to
Government,



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Home (Police) Department,
Secretariat, St. George Fort,
Chennai-600 009.

... Respondents

PRAYER : Contempt Petition has been filed under Section 11 of Contempt of Court Act, 1971 praying to punish the respondent for having disobey the order of this Hon'ble Court made in W.P.No.31737 of 2018 dated 07.01.2019.

For Petitioners	: Mr.P.S.Kohandaraman
For Respondents	: Mr.J.Ravindran, Addl. Advocate General assisted by Mr.A.Selvendran, Special Govt. Pleader

ORDER

(The case has been heard through video conference)

This Contempt Petition has been filed alleging that the order passed by this Court dated 23.04.2021 in W.P.No.9214 of 2021 has not been complied with.

2. The grievance of the petitioner is that earlier, the petitioners' lands were acquired and the award was passed. Not being satisfied with the award, the petitioners have sought reference under Sec.18 of Land Acquisition Act and the Reference Court has awarded only Rs.1.50/- per sq.ft. Challenging the order passed by the Reference Court, the petitioners have filed appeals in A.S.Nos.402, 564 to 568 of 2010 before this Court and



this Court by a judgment and decree dated 20.09.2017 enhanced the compensation at the rate of Rs.5.60/- per sq.ft. Thereafter, the award amount was not paid to the petitioners. Hence, they have filed a Writ Petition seeking a direction directing the respondent to pay compensation as per the Land Acquisition Act.

3. This Court by an order dated 07.01.2019 disposed of the Writ Petition directing the 5th respondent to pay entire compensation payable to the petitioners within a period of eight weeks from the date of receipt of the order. According to the petitioners, even though the respondents have paid the compensation in accordance with law, they failed to pay interest on solatium and the calculation done by the respondent was also not in accordance with the provisions under Land Acquisition Act. Hence, this Court directed the petitioners to file calculation before the respondents and the respondents are directed to verify the same and posted the matter today.

4. Today, when the matter taken up for hearing, Mr.J.Ravindran, learned Addl. Advocate General appearing for respondents submitted that, the petitioners' representation was considered by the 5th respondent Special Tahsildar and the order has been passed on 04.01.2022. The copy of the same was also communicated to the petitioners.

5. Mr. P.S.Kothandaraman, learned counsel appearing for petitioners



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would submit that in pursuant to the order passed by the 5th respondent is not in accordance with law. As per the dictum laid down by the constitution bench of Hon'ble Supreme Court in ***Sunder vs. Union of India***, reported in ***2001 (7) SCC 2011***, the petitioners are entitled to get interest on solatium, but the authority refused to grant interest relying upon the G.O., which is not maintainable.

6. Considering the fact that award amount has been deposited and the dispute, whether the petitioners are entitled for interest on solatium or not, which cannot be decided in the Contempt Petition. Therefore, this Court satisfied that the order passed by this court has been complied with, and no further adjudication is required. However, if the petitioners have any grievance over the order passed by the 5th respondent, it is always open to them to challenge the same in accordance with law. Accordingly, this Contempt Petition stands closed.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

rpp

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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GS/23/02/2022

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