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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2022

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.28329 OF 2021

AND

W.M.P.NO.29912 OF 2021

- 1.Dr.Parameswaran
- 2.Rathna Sabesan
- 3.Dr.Priyadharshini
Represented by her Power Agent
Dr.Parameswaran
- 4.C.T.Saraswathi
Represented by her Power Agent
Dr.Parameswaran
- 5.Arunthathi Sriram
Represented by her Power Agent
Dr.Parameswaran
- 6.Vasumathi Sivanathan
Represented by her Power Agent
T.Sivanathan

...Petitioners

-Vs-

- 1.The Government of Tamil Nadu,
Represented by its Secretary,
Transport Department, Fort St George,
Chennai- 600 009.
- 2.The District Collector,
Coimbatore- 641 018.
- 3.The District Revenue Officer,
Coimbatore- 641 018.
- 4.The Director,
Airport Authority of India,
Chennai.



5.The Director,
Airport Authority of India,
Coimbatore.

6.The Special District Revenue Officer
Land Acquisition,
Coimbatore Airport Runway Extension,
Coimbatore- 641 018.

...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 1 to 3 and 6 to pay compensation to the Petitioners, along with interest, in terms of the orders dated 18.08.2020 made in the batch of writ Petitions in W.P.No. 2116 of 2017 by the Division Bench of this Hon'ble Court, considering the representation of the petitioners dated 03.11.2021, in respect of the lands of the petitioners in S.No.525 and 527 in Kalapatti Village Unit-2, Block -15 Coimbatore District, in accordance with law.

For Petitioners : Mr.M.Karthik

For Respondents : Mr.C.Kathiravan
Special Government Pleader

ORDER

This writ petition has been filed for the issuance of Writ of Mandamus, directing the respondents 1 to 3 and 6 to pay compensation to the Petitioners, along with interest, in terms of the orders dated 18.08.2020 made in the batch of writ Petitions in W.P.No.2116 of 2017 by the Division Bench of this Hon'ble Court, considering the representation of the petitioners, dated 03.11.2021, in respect of the lands of the petitioners in S.No.525 and 527 in Kalapatti Village Unit-2, Block -15 Coimbatore District, in accordance with law.

2. Heard Mr.M.Karthik, learned counsel appearing for the petitioners and Mr.C.Kathiravan, learned Special Government Pleader, appearing for the respondents.

3. Similarly placed persons already filed a Writ Petition in W.P.No.14541 of 2020 and this Court passed following order on 27.11.2020:-

"4. The issue involved in the present Writ Petition is squarely covered by the judgment of the Hon'ble Division Bench in W.P.No.2116 of 2017 batch dated 18.08.2020. The relevant portions in the judgment is extracted hereunder:-

"59. When consent is given and an agreement to



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receive payment on certain terms and conditions is arrived at, then the same is a complete package and therefore, claiming of an additional amount as solatium or otherwise does not arise. The entire transaction cannot in any manner be treated less than a concluded agreement binding the consenting parties and the State Government as observed above. We, therefore, hold that the consent given and the negotiations finalized with regard to the rates was inclusive of all claims in respect to compensation subject to the terms thereof. We may, however, clarify that after the agreement had been entered into and consent given, then any delay in payment would attract the payment of interest as indicated hereinafter.

60. If we go by the consent and agreed rates, then the amount sanctioned and approved by the District Level Committee and the State Level Committee and finally disbursed by the State Government would include all claims whatsoever. However, at this stage, Section 12 of the 1997 Act deserves to be noted. Section 12 of the 1997 Act reads as under:

12.Payment of interest. When the amount is not paid or deposited on or before taking possession of the land, the Government shall pay the amount determined with interest thereon at the rate of nine per cent per annum from the time of so taking possession until it shall have been so paid or deposited.

61. A perusal of the said Section, in our opinion, leaves no room for doubt that in the instant case the possession was already with the Government, though on lease. However, for the purpose of the present case, it would be appropriate to presume that the date of taking over possession under the 1997 Act would be the date on which notification under Section 3(2) came to be issued. The petitioners would, therefore, be entitled to payment of interest after the notification under Section 3(2) at the rates prescribed therein till date. The deduction will however be made in respect of any amount of lease rent paid beyond the date of the notification under Section 3(2) of the 1997 Act. Apart from this, the petitioners themselves obtained an interim order of status quo and other orders restraining the respondents from raising



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constructions in the present batch of writ petitions. The petitioners had given up their challenge to the acquisition notification as is recorded in the order dated 25.3.2019 and acknowledged by the Court in the order dated 12.9.2019. In the said circumstances, this period between the grant of the stay order up to the stage of surrender made to the challenge of the notification i.e., 25.3.2019 has to be excluded for the purpose of award of interest. The petitioners would however be entitled for interest after deductions as aforesaid. This would be only in respect of those petitioners, who had given their consent and on whose behalf the surrender to the challenge had been made on 25.03.2019 before this Court. "

5. The learned Additional Government Pleader appearing on behalf of the respondents 1 to 3 submitted that this judgment was taken on Appeal before the Hon'ble Supreme Court only with regard to the award of interest and the Hon'ble Supreme Court by an order dated 05.11.2020, has stayed the portion dealing with the payment of interest in S.L.P. (C) Nos. 12770 - 12783 of 2020.

6. The learned counsel for the petitioners submitted that the respondents can be directed to pay the compensation and insofar as the claim made for the payment of interest, it can await the final disposal of the Appeal pending before the Hon'ble Supreme Court.

7. In view of the specific stand taken by either of the parties, there shall be a direction to respondents 1 to 3 to pay the compensation amount that was already agreed, to the petitioners. The petitioners shall convey the property to the respondents by executing an appropriate document at the time of receiving the compensation. Insofar as the payment of interest is concerned, the same shall await the final orders to be passed by the Hon'ble Supreme Court in the pending Appeal. Necessary clause shall be incorporated in the Conveyance Deed protecting the rights of the petitioners for receiving the interest subject to the final verdict of the Hon'ble Supreme Court in the pending Civil Appeal. If ultimately the payment of interest is upheld by the Hon'ble Supreme Court, the same shall be paid to the petitioners at a later point of time and the conveyance shall be subjected to this condition. The entire process shall be completed within



a period of eight weeks from the date of receipt of a copy of this order.

8. This Writ Petition is disposed of with the above directions. No costs."

4. In view of the above order, the present Writ Petition is disposed of in the same terms. Consequently, connected Miscellaneous petition is closed. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS-VII)

// True Copy //

Sub Assistant Registrar

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To

- 1.The Secretary,
The Government of Tamil Nadu,
Transport Department, Fort St George,
Chennai- 600 009.
- 2.The District Collector,
Coimbatore- 641 018.
- 3.The District Revenue Officer,
Coimbatore- 641 018.
- 4.The Director,
Airport Authority of India,
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- 5.The Director,
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- 6.The Special District Revenue Officer
Land Acquisition,
Coimbatore Airport Runway Extension,
Coimbatore- 641 018.

+1cc to Mr.M.Karthik, Advocate Sr.No.275
+1cc to the Government Pleader Sr.No.1248

W.P.No.28329 of 2021
and W.M.P.No. 29912 of 2021

PVS(CO)
RVM(28/01/2022)