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**REV.APLC (MD) No.178 of 2017
in S.A.No.1188 of 2006**

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2022

C O R A M

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

**REV.APLC (MD) No.178 of 2017
in
M.P (MD) No.1 of 2013
and
REV.APLC (MD) SR 1733 of 2013
and
S.A.No.1188 of 2006**

The Land Acquisition Officer,
and the Special Tahsildar,
Adi Dravidar Welfare Department,
Ramanathapuram District.

... Review Applicant/
Appellant

Vs.

N.A.Katheerja Beevi

... Respondent/ Respondent

PRAYER: Review Application is filed under Order 47 Rule 1 r/w Section 114 of the Code of Civil Procedure, 1908, to review the order dated 30.07.2014 made in M.P(MD)No.1 of 2013, in Review Application S.R.No.1733 of 2013 in S.A.No.1188 of 2006.

For Review Applicant : Mr.D.Gandhiraj
Special Government Pleader

For Respondent : Mr.V.R.Venkatesan



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ORDER

This review application is filed that the Court while deciding the second appeal in S.A(MD)No.1188 of 2006 passed a judgment fixing the quantum and the solatium to be paid to the respondents in excess than the rate fixed under the Tamil Nadu Acquisition of Land For Harijan Welfare Schemes Act, 1979.

2.The learned Government Pleader appearing for the petitioner submits that Section 7(2) of the said Act prescribes a sum of 15% of the market value as solatium, whereas, this Court while allowing the second appeal has awarded solaitum as 30% of the market value to the respondents, which according to him is against the provisions prescribed under the Act.

3.Similarly the respondent is entitled for interest from the date of taking of possession till the amount is deposited and the interest so prescribed is 6% per annum



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as per Section 12 of the said Act, whereas, this Court has awarded 9% interest per annum.

4.The learned Counsel for the respondent strongly objects that this matter has been unnecessarily dragged on by filing a review application. However, he is unable to explain under what provisions the quantum of solatium and the interest was fixed.

5.Heard the learned Counsel on either side and perused the materials placed on record.

6.This Court while disposing the second appeal in S.A(MD)No.1188 of 2006 on 20.04.2012 has passed the judgment as follows:

"19. The claimant is held entitled to compensation at the rate of Rs.10,000/- per cent, 30% solatium under Section 23(2), 12% under Section 23(1A) on the market value and interest at 94% per annum for one year from the date of taking possession and 15 % per annum from the date of expiry of the said period of one year till the date of payment of the compensation. Accordingly, the second appeal is disposed of with proportionate costs".



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7.It would be relevant to extract Section 7(2) and 12 of the Act, which read as follows:

"7.Determination of amount:

(1)... ..

(2) In addition to the market value of the land as provided above, the prescribed authority shall in every case award a sum of fifteen per centum on such market value as solatium in consideration of the compulsory nature of acquisition.

12.Payment of amount:

When the amount is not paid or deposited on or before taking possession of the land, the prescribed authority shall pay the amount with interest thereon at the rate of six per cent per annum from the time of so taking possession until it shall have been so paid or deposited and such interest shall be paid or deposited by the prescribed authority in the same manner as provided for the amount."



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8.The above provisions are clear that Section 7(2) of the said Act prescribes a sum of 15% of the market value as solatium and as per Section 12 of the said Act, the interest so prescribed is 6% per annum. Therefore, the respondent is entitled, 5% of the market value as solatium and interest at the rate of 6% per annum.

9.In the light of the above discussion this review application is allowed. No costs.

25.03.2022

Internet : yes/No

dsk

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