



WEB COPY

W.P.No.4394 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.4394 of 2023

- 1.Tmt.Palaniammal
- 2.Tmt.Thabitha
- 3.Thiru.Duraisamy
- 4.Tmt.Kalyani
- 5.Thiru.Vijayakumar
- 6.Thiru.Srinivasan
- 7.Tmt.Angammal
- 8.Thiru.Periyasamy
- 9.Thiru.Nagarajan
- 10.Thiru.Krishnamoorthy
- 11.Tmt.Anjugam
- 12.Tmt.Kowsalya
- 13.Tme.Suganya
- 14.Tmt.Jayasree Nair



15. Tmt. Saarika Menon

16. Tmt. Kaveri

17. Thiru. Malaiyappan

18. Tmt. Deepika

19. Thiru. Selvaraj

20. Thiru. Selvaraj

21. Thiru. Krishnankutty

22. Tmt. R. Sumathy

23. Thiru. R. Chandrakumar

24. Tmt. R. Sivaranjani

25. Tmt. Jothi

26. Tmt. Pechiammal

27. Thiru. Visuvasam

28. Tmt. Jackulin Arul Jancy Rani

29. Tmt. Estherrani

30. Thiru. Nachimuthu

31. Thiru. Kanagaraj

32. Thiru. S. Muthiya

33. Tmt. M. Chandrakala



34.Thiru.Dhanaraj

35.Thiru.Gurusamy

36.Thiru.Ruban Gnanaraj

37.Tmt.Hema Anandhi

38.G.Kalaiyarasi

39.Gunasekari

40.Kamala Saraswathi

41.K.Rajanbabu

42.K.Rajamani

... Petitioners

Vs.

1.The Secretary to the Government of Tamil Nadu
Transport Department
Secretariat
Fort St. George
Chennai – 600 009.

2.The District Collector
Coimbatore District
Coimbatore.

3.The District Revenue Officer (L.A)
Airport Runway Extension
Coimbatore.

4.The Special Tahsildar (L.A)
Unit-III
Airport Runway Extension
Coimbatore.



5. The Director
Airport Authority of India
Coimbatore.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to disburse the interest for our acquired land situated at Uppilipalaiyam Village, Coimbatore North Taluk, Coimbatore District comprised in Survey No's.330/1B2, 329/3B, 330/2B, 329/3B, 330/2B, 329/3B, 330/3, 329/2B, 330/2B, 330/2B, 329/3B, 330/1B2, 329/4, 338/1, 331/2B, T.S.No.1 Part, 48/3B Part, 49/1 part, 48/8 part, 49/2, 49/2 part, 48/6 part, 5 part, 2 part, 7 part, 48/9 part, 15 part, 3 part, 50/3 part, Old Survey No.334/2B Part, Town Survey No.30/30/1, Old Survey No.333/2B Part, Town Survey No.30 as per Section 12 of the Tamil Nadu Acquisition of Land for Industrial purpose Act, 1997 and consider the petitioners representations dated 19.12.2022 20.12.2022 and 14.01.2023.

For Petitioners	: Mr.G.Saravanabhavan
For R1 to R4	: Mr.D.Ravichander Special Government Pleader
For R5	: Mr.Gautam S.Raman



ORDER

A writ of mandamus has been instituted to direct the respondents to disburse the interest for the acquired lands situated at Uppilipalaiyam Village, Coimbatore North Taluk, Coimbatore District comprised in Survey No's.330/1B2, 329/3B, 330/2B, 329/3B, 330/2B, 329/3B, 330/3, 329/2B, 330/2B, 330/2B, 329/3B, 330/1B2, 329/4, 338/1, 331/2B, T.S.No.1 Part, 48/3B Part, 49/1 part, 48/8 part, 49/2, 49/2 part, 48/6 part, 5 part, 2 part, 7 part, 48/9 part, 15 part, 3 part, 50/3 part, Old Survey No.334/2B Part, Town Survey No.30/30/1, Old Survey No.333/2B Part, Town Survey No.30 as per Section 12 of the Tamil Nadu Acquisition of Land for Industrial purpose Act, 1997 and consider the petitioners representations dated 19.12.2022 20.12.2022 and 14.01.2023.

2. The petitioners land was acquired for the purpose of extension of Airport Runway at Coimbatore under the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 for the Industrial Purpose. Section 3(1) Notification was published in the Tamil Nadu Government Gazette Extraordinary Notification vide No.216/15 dated 14.10.2015, 1/17 dated 02.01.2017 and 2/15 dated 18.05.2015. The lands were acquired and the



compensation was fixed and the amount was disbursed to the petitioners without interest.

WEB COPY

3. The learned counsel for the petitioners mainly contended that the petitioners had executed Sale Deed in favour of the respondents and received compensation. However, the respondents are obligated to pay interest for the said compensation and the penal interest as contemplated under the Acquisition Act has not been paid. Therefore, the petitioners are constrained to move the present writ petition.

4. The learned Special Government Pleader appearing on behalf of the respondents 1 to 4 objected the said contention by stating that it is not a case, where the petitioners have allowed the respondents to settle the compensation, which is to be determined by the authorities. In the present case, a private negotiation had been undertaken between the petitioners and the authorities and through private negotiations, the compensation was determined and consequently, the petitioners executed sale deed.



WEB COPY

5. It is not in dispute that as per the instructions of the Government, private negotiations meeting was conducted on various dates with the land owners concerned for determination of land value under Section 7(2) of the Tamil Nadu Acquisition of Land for Industrial Purpose Act, 1997. During the meeting, compensation amount fixed for lands acquired is Rs.900/- per Sq.ft for agricultural land and Rs.1,500/- for residential land without interest and that rate was accepted by the land owners. Further, the rates were approved by the State Level Valuation Committee.

6. The similar request for payment of interest was made by one Mr.Jaganathan and others have filed the Writ Petition in W.P.No.2116 of 2017 and 13 others before the High Court of Madras for payment of interest on compensation amount. After hearing the case, this Court passed an order on 18.08.2020, which reads as under:

“59. When consent is given and an agreement to 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



WEB COPY

W.P.No.4394 of



binding the consenting parties and the State Government as observed above. We, therefore, hold that the consent given and the negotiation finalized with regard to the rates was inclusive of all claims in respect to compensation subject to the terms thereof.”

7. That apart, Section 7 of the Act contemplates “*Determination of amount*”. Sub Clause 2 to Section 7 of the Act enumerates “*Where the amount has been determined by agreement between the Government and the person to whom the amount has to be paid, it shall be paid in accordance with such agreement*”.

8. In the present case, there was an agreement between the parties through private negotiations. Such negotiation was conducted under Section 7 (2) of the Act. The compensation was agreed between the parties and accordingly, the Sale Deed was executed by the writ petitioners in favour of the respondents. That being the factum, the petitioners at this point of time cannot turn around and claim interest, since the petitioners had already agreed for the compensation and executed the Sale Deed in favour of the respondents.



WEB COPY

9. In view of the facts and circumstances, the petitioners have not established any acceptable ground for the purpose of considering the relief and accordingly, the Writ Petition stands dismissed. No costs.

12.06.2023

Jeni

Index : Yes

Speaking order

Neutral Citation : Yes

To

1.The Secretary to the Government of Tamil Nadu
Transport Department
Secretariat, Fort St. George
Chennai – 600 009.

2.The District Collector
Coimbatore District
Coimbatore.

3.The District Revenue Officer (L.A)
Airport Runway Extension
Coimbatore.

4.The Special Tahsildar (L.A)
Unit-III, Airport Runway Extension
Coimbatore.

5.The Director
Airport Authority of India
Coimbatore.



WEB COPY

W.P.No.4394 of



S.M.SUBRAMANIAM, J.

Jeni

W.P.No.4394 of 2023

12.06.2023