



W.P.No.4875 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.4875 of 2023

A.J.Vasanthi ASIR

... Petitioner

Vs.

1. The District Collector,
Kancheepuram District,
Kancheepuram.

2. The Joint Commissioner III(LA I),
Ezhilagam, Chepauk, Chennai-05.

3. The Managing Director,
SIPCOT Head Office,
No.19-A, Rukmani lakshmipathy Road,
Egmore, Chennai-600 008.

4. The Special District Revenue Officer (A),
SIPCOT Sriperumbudur and
Oragadam Expansion Scheme,
Pillaipakkam, Sriperumpudur,
Kancheepuram District-602 105.

5. The Special Tahsildar (LA),
SIPCOT Unit-3,
Sriperumbudur Expansion Scheme 2,
Pillaipakkam, Sriperumpudur,
Kancheepuram District-602 105.

... Respondents



W.P.No.4875 of 2023

WEB COPY

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the records relating to the order passed by the 4th respondent in his proceedings bearing Na.ka. No. 09/ 2022/ Allagu-3 dated 25.01.2023 and quash the same and consequently direct the 4th respondent herein to pay interest, solatium and interest on solatium @ 9 percent per annum as per Section 12 of the Tamil Nadu Acquisition of Lands for Industrial Purpose Act 1997 (Act 10/1999) for payment of Interest with all statutory benefits from 22.07.2013 to 22.04.2020 for the lands acquired from the petitioner

For Petitioner : Mr.J.Ram

For Respondents :
(for R1 to R5) : Mr.D.Ravichander,
Special Government Pleader

ORDER

The writ on hand has been instituted to questioning the validity of the order dated 25.01.2023, passed by the Special District Revenue Officer Land Acquisition.



W.P.No.4875 of 2023

WEB COPY

2. It is not in dispute between the parties that the land belonging to the petitioner was acquired for industrial purposes under the provisions of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997. The grievance of the writ petitioner is that the quantum of compensation was determined by negotiation between the land owner and the competent authorities. Accordingly, a sum of Rs.35,10,000/- was determined which was already paid to the writ petitioner.

3. The learned counsel for the petitioner states that the land belonging to the petitioner was acquired in the year 2013 and the award was passed by the competent authority in the year 2013. Though the award was passed and the quantum of compensation was determined by mutual agreement, the said amount of compensation had been settled only on 22.04.2020. Since there was an enormous delay in settling the compensation, the petitioner has submitted a representation for grant of interest for the award amount. The said application submitted by the petitioner was rejected by the 4th respondent. Thus, the petitioner is constrained to move the present writ petition.



W.P.No.4875 of 2023

WEB COPY

4. The learned Special Government Pleader raised an objection by stating that once the compensation has been determined by mutual negotiation and consent, then the land owner is not entitled to claim interest.

5. The learned counsel for the petitioner reiterated that there was an enormous delay on the part of the respondents in settling the agreed compensation for which the petitioner cannot be penalised. The quantum of compensation was determined by mutual consent and an agreement was entered into between the parties. As per the agreement, the respondents ought to have settled the amount immediately. However, the compensation was settled after a lapse of about seven years and thus, the petitioner is entitled for interest.

6. The right to property is a constitutional right. A person may be deprived only by the authority of law. Thus, on acquisition of a land, the authorities competent are expected to settle the compensation as quick as possible and without causing any undue delay. When the lands belonging to the owners are acquired for public purposes, their entitlement of



W.P.No.4875 of 2023

compensation cannot be denied nor be delayed on account of the lapses on the part of the authorities.

7. In the present case, admittedly the land belonging to the petitioner was acquired in the year 2013 and the award was passed in the year 2013. By mutual consent, the quantum of compensation was also determined and an agreement was entered into between the parties. That being the factum, the delay of seven years caused at the instance of the respondents would provide a right for the land owner to claim interest. Even on application of the principles of equity, the petitioner is entitled for the relief of interest for the delayed settlement of compensation.

8. Accordingly, the order impugned passed by the 4th respondent in proceeding Na.Ka.No.09.2022/Allagu-3 dated 25.01.2023 is quashed and the respondents are directed to settle the interest at the rate of 9% for the compensation amount of Rs.35,10,000/- from the date of agreement entered into between the petitioner and the competent authority till the date of release. The respondents are directed to calculate the interest amount and settle the same within a period of eight (8) weeks from the date of receipt of a copy of this order.



W.P.No.4875 of 2023

WEB COPY

9. With these directions, the writ petition stands **allowed**. No costs.

(sha)

01.08.2023

Index : Yes

Speaking Order

Neutral Citation : Yes

To

1. The District Collector,
Kancheepuram District,
Kancheepuram.

2. The Joint Commissioner III(LA I),
Ezhilagam, Chepauk, Chennai-05.

3. The Managing Director,
SIPCOT Head Office,
No.19-A, Rukmani lakshmipathy Road,
Egmore, Chennai-600 008.

4. The Special District Revenue Officer (A),
SIPCOT Sriperumbudur and
Oragadam Expansion Scheme,
Pillaipakkam, Sriperumpudur,
Kancheepuram District-602 105.

5. The Special Tahsildar (LA),
SIPCOT Unit-3,
Sriperumbudur Expansion Scheme 2,
Pillaipakkam, Sriperumpudur,
Kancheepuram District-602 105.



WEB COPY



W.P.No.4875 of 2023

S.M.SUBRAMANIAM. J.,

(sha)

W.P.No.4875 of 2023

01.08.2023