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Writ Petition No.18369

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2023

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.18369 of 2023
and W.M.P.No.17572 of 2023

1.Mr.P.Panneerselvam
2.Mrs.S.Yashodha Devi
3.Mrs.Kalavathy

...Petitioners

Vs

The Commissioner,
Coimbatore Municipal Corporation, Coimbatore.

...Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to pay compensation for the lands of the petitioner acquired by the respondent of an extent of 0.31 7/8 acres in T.S.No.10/2237/2, Ramanathapuram Village, Coimbatore at the prevailing market value as on the date of such payment with interest at 12% from the date when the lands were acquired in the year 1975 and solatium with all consequential benefits.

For Petitioners	:	Mr.Sundar Narayan
For Respondent	:	Mrs.S.Mythreye Chandru Special Government Pleader



ORDER

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This writ petition has been filed for issue of writ of mandamus directing the respondent to pay compensation for the lands acquired from the petitioner at the prevailing market value along with interest.

2.Heard Mr.Sundar Narayan, learned counsel appearing on behalf of the petitioner and Mrs.S.Mythreye Chandru, learned Special Government Pleader appearing on behalf of the respondent.

3.The grievance of the petitioners is that the subject lands measuring an extent of 0.31 7/8 acres at Coimbatore was acquired through private negotiations. Thereafter, no compensation was paid. The further case of the petitioners is that adjacent land owners whose lands were also acquired, had approached this Court and orders have been passed in those writ petitions. One such order was passed in W.P.No.34057 of 2022, dated 28.04.2023.

4.The learned counsel for the petitioners submitted that the petitioner must at least be paid compensation at the rate of Rs.140/- as was decided in the writ petition that was cited, if not the prevailing market value with interest.



5. When W.P.No.34057 of 2022 was disposed of by this Court by an order dated 28.04.2023, it was observed as hereunder:

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8. In the considered view of this Court, a decision has already been taken to pay compensation at the rate of Rs.140/- per sq. ft. and the adjacent land owners were also paid this compensation at this rate. Hence, the petitioners cannot be denied the compensation at the rate of Rs.140/- per sq. ft. As a consequence, the petitioners will be entitled for the balance compensation at the rate of Rs.57/- per sq. ft. (Rs.140 – Rs.83).

9. In the result, this writ petition is disposed of with a direction to the respondent to pay the balance compensation of Rs.57/- per sq. ft. for the lands acquired from the petitioners, within a period of eight weeks from the date of receipt of copy of this order. If the difference compensation amount is not paid within the period fixed by this Court, the respondent shall pay interest at the rate of 7.5% from the date when the amount became payable till the date of actual payment. The petitioners are directed to make a fresh representation to the respondent along with all the relevant records and also a copy of this order. No Costs. Consequently, connected miscellaneous petition is closed.

6. In the considered view of this Court, this writ petition can also be disposed of in terms of the above order. The petitioner in this writ petition is worse off, since no compensation has been paid to the petitioner and whereas, in the case which has



been cited before this Court, a part of the amount was paid as compensation.

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7.In the light of the above discussion, this writ petition is disposed of with a direction to the respondent to pay the compensation at the rate of Rs.140/- per sq. ft. for the lands acquired from the petitioners, within a period of eight weeks from the date of receipt of copy of this order. If this compensation amount is not paid within the period fixed by this Court, the respondent shall pay interest at the rate of 7.5% per annum from the date when the amount became payable till the date of actual payment. The petitioner is directed to make a fresh representation to the respondent along with all the relevant documents and also a copy of this order.

8.This writ petition is disposed in the above terms. No Costs. Consequently, connected miscellaneous petition is closed.

30.06.2023

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order

ssr



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To
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The Commissioner,
Coimbatore Municipal Corporation, Coimbatore.



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N.ANAND VENKATESH., J

SSR

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