



WA No.2490 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA , CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVU

WA No.2490 of 2021

R.Nirmala Devi

... Appellant

Vs

- 1.The Special District Revenue Officer,
Land Acquisition N.H. 45-A (Unit 1) Cuddalore,
2nd Floor District Collectorate Office,
Cuddalore 607001
- 2.The Special Tahsildar,
Land Acquisition N.H. 45-A (Unit 1) Cuddalore,
No.64, 3rd Cross Street,
Seethaam Nagar, Pudhupalayam,
Cuddalore 607001
- 3.The Commissioner,
Department of Industries and Commerce,
SIDCO Corporate Office Building,
3rd Floor, Thiru.Vi.Ka, Industrial Estate,
Guindy, Chennai 32.
- 4.The Joint Director/General Manager,
District Industries Centre,
SIDCO Industrial Estate,
Semmandalam, Cuddalore 607001



WA No.2490 of 2021

WEB COPY

5.The Chairman,
Coir Board Coir House,
Mahathma Gandhi Road, Kochi 682 016

6.The President,
Cuddalore District Coir,
Fibre & Yarn Manufacturers Association,
No.123, Murugan Koil Street,
Sangallikuppam, SIDCO Post
Cuddalore District 607005

... Respondents

Prayer: Writ appeal filed under Clause 15 of the Letters Patent to set aside the order dated 30.07.2021 in WP No.10610 of 2021.

For the Appellant :: Mr.N.U.Pressanna

For the Respondents :: Mr.U.Bharanidharan,
Additional Government Pleader,
for respondents 1 to 4

Mr.K.Ramanamoorthy,
for the fifth respondent

Mr.S.Kishore Kumar,
for the sixth respondent

JUDGMENT

(Made by the Hon'ble Chief Justice)

The appellant challenges the order passed by the learned Single Judge in WP No.10610 of 2021, dated 30.07.2021, whereby the the writ petition filed by the appellant came to be dismissed.



WA No.2490 of 2021

WEB COPY

2. Learned counsel for the appellant submits that the appellant was the owner of the entire land acquired under the provisions of the National Highways Act. Part of the land was leased to the sixth respondent for running a coir unit. The building was constructed by the sixth respondent. The sixth respondent did not pay arrears of rent to the appellant. As such, the sixth respondent gave a letter to the appellant stating that the appellant would be entitled for the compensation amount of the superstructure, as the total land and building was acquired. According to the learned counsel, the competent authority, without issuing notice to the appellant, came to the conclusion that the amount is required to be paid to respondents 3 and 5. The learned counsel submits that in fact, respondents 3 and 5 are not the owners of the superstructure also. They do not have any right over it.

3. Learned counsel for the sixth respondent submits that the letter was sent by the sixth respondent, in the capacity of president of the Cuddalore District Coir, Fibre & Yarn Manufacturers Association, to the appellant stating that the rent amount could not be paid. As



WA No.2490 of 2021

such, the letter was given to receive the compensation by the appellant. According to the learned counsel, even the sixth respondent has contributed for the construction of the superstructure.

4. It is further submitted by learned counsel for the appellant that the cost of construction was Rs.44 lakh; however the compensation awarded was Rs.59,51,894/-.

5. The amount of compensation for the building has been determined by the authorities under the provisions of the National Highways Act. The appellant cannot be aggrieved by the valuation of the building.

6. Admittedly, appellant is not the owner of the superstructure. In India, the concept of dual ownership exists. One person can be owner of the land and another person can be owner of the superstructure.



WA No.2490 of 2021

WEB COPY

7. The authorities have awarded a compensation of Rs.59,51,894/-. Respondents 3 and 5 have contributed Rs.43 lakh whereas the sixth respondent has contributed only Rs.1 lakh for the construction of superstructure.

8. By any stretch, the appellant does not have any right over the superstructure to claim the entire compensation amount.

9. Reliance placed by the appellant on the letter written by the sixth respondent is an eye wash. The sixth respondent, is the son of the appellant. It is with a view to deprive respondents 3 and 5 of their amount, the said letter appears to have been given.

10. We see no error in the order passed by learned Single Judge.

11. In case the sixth respondent claims to have any right in seeking compensation amount, on the ground that he has contributed Rs.One lakh, it is for the sixth respondent to take appropriate steps in that regard.



WA No.2490 of 2021

WEB COPY

12. The writ appeal is disposed of. There will be no order as to costs. Consequently, WMP No.16162 of 2021 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

16.06.2023

Index : Yes/No
Neutral Citation : Yes/No
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WA No.2490 of 2021

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WEB COPY

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WEB COPY



WA No.2490 of 2021

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