



W.A.Nos.3289, 3295, 3297, 3291, 3293 & 3301 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.Nos.3289, 3295, 3297, 3291, 3293 & 3301 of 2023

W.A.No.3289 of 2023

P.Ramachandran

.. Appellant

Vs.

1. The State of Tamil Nadu
Rep. by its Secretary to Government
Highways & Small Ports (HQ-2) Department
Secretariat, Fort St. George
Chennai 600 009.
2. The District Revenue Officer
Coimbatore District
Hosur Road, Collectorate Complex
Coimbatore 641 018.
3. The Divisional Engineer (H)
(NABARD & Rural Roads)
Highways Department
Highways Complex
Trichy Road, Coimbatore 641 018



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4. The Chief Engineer (H)
(NABARD & Rural Roads)
Highways Department
Chennai 600 032

5. The Commissioner of Land Administration
Ezhilagam
Chennai 600 005.

.. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the common order dated 09.06.2023 made in W.P.Nos.34502, 34526, 34539, 34543, 34530 and 34534 of 2022 respectively.

For the Appellant
in all W.As.

: Mr.D.Krishna Pradeep
For Mr.N.Damodaran

For the Respondents
in all W.As.

: Mr.P.Muthukumar
State Government Pleader

COMMON JUDGMENT
(Delivered by the Hon'ble Chief Justice)

The present appellants/original writ petitioners have filed writ petitions. The grievances of the writ petitioners are (i) the interest at the rate of 12% ought to be awarded on the total amount of compensation of Rs.5,200/-, i.e. guideline value plus solatium amount, whereas interest has been awarded only on the guideline



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value i.e. Rs.2,600/-, and (ii) the interest at the rate of 12% has to be calculated till the date of award, whereas the interest is awarded only up to 30.09.2021.

2. Learned counsel for the appellants, relying upon the joint compromise memo and the order of the learned Single Judge delivered in W.P.Nos.12617 of 2014, 14299 of 2014, 4994 of 2015 and 5454 of 2015 dated 25.02.2019 submits that the respondents had agreed for payment of 12% interest component from the notification under Section 15(2) of the Tamil Nadu Highways Act, 2001 till the passing of award on the amount of compensation. The amount of compensation would include guideline value plus solatium amount. The said aspect has not been considered. It is further submitted that in one matter the award is dated 09.12.2022 and in other five matters, the award is dated 28.11.2022, whereas the interest at the rate of 12% has been awarded only up to 30.09.2021. The same is also illegal.



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3. Learned State Government Pleader submits that the interest at 12% is to be awarded only on the market value, i.e. guideline value and not on the solatium. The interest has also been properly computed.

4. We have considered the submissions of both the parties.

5. The learned Single Judge has negatived the contentions of the appellants.

6. There is no dispute that the lands of the appellants were acquired and a joint compromise memo was filed. As per the joint compromise memo, the guideline value was fixed at Rs.2,600/-, 100% solatium was fixed at Rs.2,600/- and the total amount of compensation was Rs.5,200/-. The joint compromise memo also states that interest at the rate of 12% for the period from Section 15(2) notification till passing of the award, excluding stay period will also be payable.



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7. The said joint compromise memo was accepted by the learned Single Judge in the writ petitions filed by the appellants in W.P.Nos.12617 of 2014, 14299 of 2014, 4994 of 2015 and 5454 of 2015 in its order dated 25.02.2019. Both the parties, as such, would be bound by the joint compromise memo and the order of the learned Single Judge in the writ petitions referred to above.

8. The joint compromise memo and the order of the learned Single Judge do not specifically clarify as to the amount on which interest at 12% has to be computed. It only says that interest at 12% per annum also would be payable. Section 30(3) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 specifies the grant of interest at the rate of 12%. The said provision states that in addition to the market value of the land provided under Section 26, the Collector shall, in every case, award an amount calculated at the rate of 12% per annum on such market value for the period



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commencing on and from the date of publication of the notification.

The interest at 12% has to be calculated on the market value and not on the solatium also.

9. In the light of that, we do not see any error on the part of the learned Single Judge nor any error in the award awarding 12% interest on the market value of the land i.e.. Rs.2,600/-.

10. This takes us to the next contention of interest up to the date of award.

11. A perusal of the award would manifest that the interest has been calculated only up to 30.09.2021, whereas, the award has been passed on 09.12.2022 and 28.11.2022. The interest at the rate of 12% was certainly required to be calculated up to the date of award.

12. It appears that this was not brought to the notice of the



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learned Single Judge. As such, no finding is given in that regard.

13. Be that as it may, it is clear that the interest at the rate of 12% is not calculated till the date of award.

14. In the result, we pass the following order:

The respondents shall calculate the interest at the rate of 12% per annum till the date of the award, i.e. 09.12.2022 and 28.11.2022 respectively, and pay the same within six weeks from the date of this order.

15. The writ appeals are disposed of accordingly. There will be no order as to costs.

(S.V.G., CJ.) (D.B.C., J.)
06.12.2023

Index : Yes/No
Neutral Citation : Yes/No

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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

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