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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2023

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.34057 of 2022

and

WMP.No.33519 of 2022

1.C.Sivaravi
2.C.R.Vijaya
3.C.Vanaja

Petitioners

vs.

The Commissioner,
Coimbatore Municipal Corporation,
Coimbatore.

Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondent to pay enhanced compensation for the lands of the petitioner acquired by the respondent of an extent of 32 cents in T.S.No.2237/1 and TS.No.2238/3, Ramanathapuram Village, Coimbatore in accordance with the proceedings of the Respondent in NI.MU.45382/2001/3 dated 13.07.2002 and in parity with adjacent landowners who have obtained compensation @ Rs.140 per sq.ft pursuant to judgment dated 31.08.2004 in W.P.No.8021 of 2002 with interest @ 12% from the date the sums became due till the date of payment.

For Petitioners : Mr.Sundar Narayan
For Respondent : Mr.Najeeb Usmankhan
Standing Counsel

**ORDER**

This writ petition has been filed for issue of writ of mandamus directing the respondent to pay the enhanced compensation for the lands that were acquired from the petitioner at the rate of Rs.140/- per sq.ft. with interest.

2.The case of the petitioners is that their father owned certain lands in Ramanathapuram Village, Coimbatore. 32 cents of land was acquired for the formation of the by-pass road in the year 1975. The acquisition took place through private negotiation with the land owners. The further case of the petitioners is that the compensation amount was not paid and hence, the father of the petitioners filed W.P.No.12721 of 1994 before this Court seeking for compensation for the acquisition of 32 cents of land. This writ petition was disposed of by an order dated 10.12.1999 and a direction was given to the respondent Corporation to pay the compensation at the prevailing rate within a time framed.

3.It is stated that respondent Corporation disbursed the total compensation amount of Rs.11,61,000/- to the father of the petitioners on 01.06.2000 and this compensation was determined by calculating at the rate of Rs.83/- per sq.ft. According to the petitioners, the adjacent land owners were paid compensation at a higher rate. Considering the fact that all the land owners



must be given the compensation on an equal footing, decision was taken to fix the compensation at the rate of Rs.140/- per sq. ft. through proceedings dated 13.07.2022 issued by the District Revenue Officer, Coimbatore. Based on this decision, even the adjacent land owners had obtained compensation at the rate of Rs.140/- per sq. ft. The father of the petitioners was paid compensation only at the rate of Rs.83/- per sq. ft. For the balance compensation, the petitioners have been prosecuting the claim from the year 2004 onwards after the father died.

4.The petitioners also filed W.P.No.21537 of 2009 before this Court seeking for a direction to the respondent to pay the compensation on par with the adjacent land owners. This writ petition was disposed of by an order dated 02.11.2009 by issuing direction to the Corporation to take a decision within a period of eight weeks. In spite of such directions issued by this Court, there was no response from the Corporation. Ultimately, the present writ petition came to be filed before this Court.

5.Heard Mr.Sundar Narayan, learned counsel appearing on behalf of the petitioners and Mr.Najeeb Usman Khan, learned Standing Counsel appearing on behalf of the respondent.



6. When the matter came up for hearing on 24.04.2023 this Court passed

the following order:

The petitioner has been knocking the doors of this Court from the year 2009 onwards seeking for enhanced compensation. In spite of the earlier order passed by this Court on 02.11.2009 in W.P.No.21537 of 2009, the petitioner has not been able to get any relief from the Coimbatore Corporation.

2. The learned Standing Counsel appearing on behalf of the Corporation seeks for sometime. On going through the records, it is seen that this Court has given opportunity for the respondent to file counter atleast on four occasions. This Court does not find any requirement for a detailed counter affidavit in this writ petition, since there is an earlier direction given to the Coimbatore Corporation, to consider the representation made by the petitioner seeking for enhanced compensation. Hence, it will suffice if the learned Standing Counsel takes instructions from the respondent Corporation with respect to the compliance of the earlier order passed by this Court.

3. Post this case under the caption 'for order' on 28.04.2023.



7. When the matter was taken up for hearing today, the learned Standing Counsel appearing on behalf of the respondent Corporation submitted that the representation made by the petitioner will be considered within the time limit fixed by this Court.

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



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N. ANAND VENKATESH, J.

SSR

respondent along with all the relevant records and also a copy of this order. No Costs. Consequently, connected miscellaneous petition is closed.

28.04.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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To

The Commissioner,
Coimbatore Municipal Corporation,
Coimbatore.

W.P No.34057 of 2022
and WMP.No.33519 of 2022