



WEB COPY

W.P.Nos.34502, 34526, 34530, 34534, 34539 & 34543 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

**W.P.Nos.34502, 34526, 34530, 34534,
34539 & 34543 of 2022**

W.P.No.34502 of 2022:

Mr.P.Ramachandran

... Petitioner

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 Division Engineer (H),
(NABARD & Rural Roads),
Highways Department,
Highways Complex,
Tirchy Road, Coimbatore – 641 018.
- 4.The Chief Engineer (H),
(NABARD & Rural Roads),



Highways Department,
Chennai – 600 032.

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

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the District Revenue Officer, Coimbatore, the second respondent herein to disburse the compensation amount of Rs.85,36,245/- with respect to the land and structure of the petitioner comprised in T.S. No.6, Ward No.35, Block No.37, Coimbatore South Taluk, Singanallur Village, Coimbatore District in an extent of 699.66 square feet which was acquired by the Government of Tamil Nadu for the construction of Road over bridge at Ondipudur – SIHS Colony road in lieu of existing LC No.4 at Railway Km 3/3-5 in between Irugur and Peelamedu Railway Station under G.O.No.215, dated 10.11.2010, Highways and small ports (HQ-2) Department.

For Petitioners : Mr.D.Krishna Pradeep
(in 6 WPs)

For Respondents : Mr.R.Neelakandan
Additional Advocate General
Assisted by Mr.D.Ravichander
Special Government Pleader
(in 6 WPs)



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COMMON ORDER

The writ of Mandamus have been filed to direct the District Revenue Officer, Coimbatore / 2nd Respondent to disburse the compensation amount with respect to the land and structure of the petitioners to an extent of 699.66, 506.28, 861.12, 699.66, 516.28 and 247.572 square feet respectively, which were acquired by the Government of Tamil Nadu for the construction of Road over bridge at Ondipudur – SIHS Colony road in lieu of existing LC No.4 at Railway Km 3/3-5 in between Irugur and Peelamedu Railway Station under G.O.No.215, dated 10.11.2010, Highways and small ports (HQ-2) Department.

2. The petitioners state that they are the absolute owners of the property comprised in 1)T.S.No.6, Ward No.35, Block No.37, 2)T.S.No.32, Ward No.35, Block No.37, 3)T.S.No.73, Ward No.35, Block No.37, 4) T.S.No.72, Ward No.35, Block No.37, 5) T.S.No.32, Ward No.35, Block No.37, 6) T.S.No.75, Ward No.35, Block No.37 respectively in Coimbatore South Taluk, SIHS Colony Road, Singanallur Village,



Coimbatore District to an extent of 699.66, 506.28, 861.12, 699.66, 516.28 and 247.572 Square feet respectively.

3. Pursuant to the notification dated 24.11.2013 under Section 15(2) of the Tamil Nadu Highways Act, 2001 (Tamil Nadu Act 34/2002), the lands belonged to the petitioners were acquired for public purposes by the Tamil Nadu Government for constructing half Kilometre Over Bridge at Ondipudur – SIHS Colony Road. The acquisition proceedings were challenged before this Court in W.P.No.12617 of 2014 and etc., and the said writ petitions were disposed of based on the Compromise Memo dated 25.02.2019 and this Court passed the following common order:

“2. It is also stated in the compromise memo that the letter dated 31.01.2019 of the Divisional Engineer (H), NABARD & Rural Roads, to Mr.Thirumaran Special Govt. Pleader, in Lr.No.46/2018-19/LC.No.4/JDO, also forms part of the compromise memo. The said letter relates to the guideline value fixed at the rate of Rs.2,600/- per sq.ft. and the solatium fixed at Rs.2,600/- per sq.ft. totalling to Rs.5,200/- per sq.ft, and interest of 12% per annum, fixed for



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the period from 15(2) till passing of Award, excluding stay period.... Hence, recording the above compromise memo, the writ petitions are disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.”

4. The petitioners state that based on the compromise memo, the guideline value was fixed at the rate of Rs.2,600/- per Sq.ft and solatium was fixed at the rate of Rs.2,600/- per Sq.ft total rate of Rs.5,200/- per Sq.ft and interest of 12% per annum fixed for the period from the date of the Notification issued under Section 15(2) till passing of Award and excluding stay period.

5. It is not in dispute that the guideline value fixed was settled in favour of the petitioners. Solatium and interest also have been paid to the petitioners. The present writ petition is filed claiming the interest based on the total amount of Rs.5,200/- Sq.ft, at the rate of 12% per annum.

6. The learned counsel for the petitioner mainly contended that based on the compromise memo, the writ petitions were disposed of. When the



guideline value fixed at the rate of Rs.2,600/- Sq.ft and the Solatium fixed at the rate of Rs.2,600/- per sq.ft, the interest at the rate of 12% per annum is to be calculated for the total amount of Rs.5,200/-. However, the respondents have settled the interest based on the guideline value of Rs.2,600/- and therefore, the petitioners are constrained to move the present writ petitions.

7. The respondents have filed counter affidavits objecting the claims of the writ petitioners mainly on the ground that the land was acquired and pursuant to the directions issued by this Court, the District Level Committee convened a meeting and accordingly, the land value of Rs.2,600/- per Sq.ft was fixed as per the directions of this Court. The recommendations of the District Level Committee was accepted by the State Level Committee and the Government also passed an order and based on the Government order, the compensation has already been settled in favour of the petitioners along with the interest as per the orders of this Court. Thus, the writ petitions are to be dismissed.



8. It is contended that the Government issued orders in G.O.Ms.No.82, Highways and Minor Ports (HS1) Department dated 24.09.2021, in which the land value of the acquisition area has been fixed as Rs.2,600/- per Sq.ft along with the building value, tree value with 100% solatium and 12% additional market value excluding the period of stay. Therefore, the order of this Court has been scrupulously followed and the compensation has been settled in favour of the petitioners. The details of the compensation has been stated in the counter affidavit filed by the 2nd respondent in W.P.No.34502 of 2022 reads as under:

Sl. No	Details	Amount Rs.	
1.	Town Survey Number	6	
2.	Area of acquired land in Sq.mtr		76 Sq.mtr.
3.	Land value fixed as per G.O.Ms.No.82, Highways and Minor Ports (HS1) Department dated 24.09.2021	Rs.	2600/- Sq.ft
4.	Land value as per Guideline Value Register	Rs.	1500/- sq.ft
5.	Land value adopted by Govt as per G.O.Ms.No.82, Highways and Minor Ports (HS1) Department dated 24.09.2021 per sq.mtr (Rs.2600/ Sq.ft X 10.764 Sq.ft)	Rs.	27986.40/- sq.ft
6.	Land value (col.2 x 5)	Rs.	21,26,966.00
7.	Market Value of Land after multiplication by the factor 1.0 as the lands under acquisition falls in Coimbatore City Municipal Corporation	Rs.	21,26,966.00
8.	Structure Value – Buildings	Rs.	5,74,377.00



9.	Trees Value		
10.	Total Value (col. 7 +8+9)	Rs.	27,01,343.00
11.	Solatium of 100% u/s 30(1) of RFCTLARR Act 30/2013 Col.10)		27,01,343.00
12.	Additional Market Value 12% for Land Value (24.11.2013 to 30.09.2021) Total 1408 Days (2126966*12/100*1042/365) + 2126966*12/100*366/366) Excluding the period of Court Stay (i.e from 25.02.2015 to 23.02.2019)	Rs.	9,83,882.00
13.	Total Compensation (Col. 10+11+12)	Rs.	63,86,568.00
	Round off	Rs.	63,86,568/-

9. considering the facts and circumstances, this Court is of the considered opinion that the petitioners cannot seek interest for the total amount of Rs.5,200/- per Sq.ft. The guideline value is fixed at the rate of Rs.2,600/- and solatium was fixed at rate of Rs.2,600/-. The interest is to be calculated for the guideline value fixed i.e., Rs.2,600/- and interest cannot be calculated by adding all the amounts together, which is the presumption of the petitioner. Therefore, claim of the petitioner is unjustifiable and not in consonance with the orders passed by this Court based on the compromise memo.



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10. The orders of this Court has been placed before the District Level Committee, which was approved by the State Level Committee and the Government has also issued orders and accordingly the compensation has been settled in favour of the petitioners. Thus, the claim for further interest for the total amount is untenable and therefore, this Court is not inclined to consider the relief as such sought for in the present writ petition.

11. Accordingly, these Writ Petitions are dismissed. No costs.

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Index : Yes
Speaking order
Neutral Citation : Yes



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S.M.SUBRAMANIAM, J.

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