



WP(MD)No.21026 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **07.12.2023**

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THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

W.P.(MD)No.21026 of 2021

and

W.M.P.(MD)No.17629 of 2021

S.Govindammal

...Petitioner

/Vs./

- 1.The District Collector,
Office of the District Collector,
Theni.
- 2.The Special District Revenue Officer,
(Land Acquisition) National Highways Department,
NH 45V and 220,
Theni.
- 3.The Special Tahsildar (Land Acquisition),
45 E & 220 – 4 Way Road,
Division 1, Palanichettipatti,
Theni District.

...Respondents

PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for records pertaining to Impugned Order passed by the 2nd respondent in his proceedings Na.Ka.No. 435/2021/C.Ma.Varu.A/Ne.A/ dated 19/07/2021 and quash the same and consequently direct the 2nd respondent herein to disburse the interest amount 12 percentage per annum for the inordinate delay in releasing the compensation



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amount of Rs.7,74,678/- for the period of 23/05/2013 to 25/05/2021 to the petitioner.

For Petitioner : Mr.C.Jeganathan

For Respondents : Mr.A.K.Manikkam

Special Government Pleader

ORDER

This writ petition has been filed challenging the proceedings of the second respondent dated 19.07.2021 insofar as not paying the interest on the compensation amount for the period from 23.05.2013 to 25.05.2021.

2. The proceedings under challenge is pursuant to the earlier order passed by this Court in WP(MD)No.25878 of 2019 dated 26.04.2021. The relevant portions in the order are extracted hereunder:-

“2. The case of the petitioner is that the subject property was purchased by the petitioner through a registered document No.613/04. The further case of the petitioner is that subsequent to the purchase, the revenue records were also mutated in his name. It is stated that acquisition proceedings were initiated and the property was acquired.

3. When it came to payment of compensation, an objection was made by the 4th respondent to the effect that the compensation amount should not be paid to the petitioner. The objection was ultimately considered by the 3rd respondent and



through proceedings dated 12.1.2017, the third respondent has held that the petitioner is entitled for the payment of compensation and the objections given by the 4th respondent was rejected.

4. The petitioner thereafter made a representation to the respondents 1 to 3 for payment of compensation pursuant to the orders passed by the 3rd respondent. Since the same was not considered, the present writ petition has been filed before this Court seeking for appropriate directions.

5. Heard Mr.C.Jeganathan, learned counsel appearing for the petitioner, Mr.P.Mahendran, learned Additional Government Pleader appearing for the respondents 1 to 3 and Mr.R.Suriyanarayanan, learned counsel appearing for the 4th respondent.

6. In the considered view of this Court, the objections given by the 4th respondent was already considered by the 3rd respondent and an order has been passed through proceedings dated 12.1.2017. As a consequence of this order, the petitioner is entitled for the payment of compensation. The subsequent representations made by the petitioner has not been considered by the respondents and the same has forced the petitioner to approach this Court.

7. Taking into consideration the facts and circumstances of the case, there shall be a direction to the second respondent to consider the representation made by the petitioner on 16.10.2019 in line with the order passed by the 3rd respondent dated 12.1.2017 and appropriate orders for payment of compensation shall be passed within a period of six (6) weeks from the date of receipt of a copy of this order.”



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3. Pursuant to the above order, the compensation was determined through proceedings dated 25.05.2021 and the same was directed to be paid to the petitioner. However, while paying the compensation, the interest was not paid on the compensation. Aggrieved by the same, the present writ petition has been filed before this Court.

4. The third respondent has filed a counter affidavit. The relevant portions in the counter affidavit are extracted hereunder:-

“8. I submit that the petitioner delayed to produce the requisite documents because of the private dispute between the petitioner and the said Veerukannaiyan, thus resulting in delay in issuance of compensation. Hence, the delay is not on the part of the respondents and the petitioner is not entitled for interest on the compensation.

9. I submit that the compensation was awarded to the petitioner on 19.12.2014 but the petitioner claims interest on the compensation award for the period between 23.05.2013 to 25.05.2021 citing section 80 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. As per the circular issued by the National Highways Authority of India vide NHAI/11013/DGM (LA & Coord) /2015/FTS-3247/65906 Dated 12.05.2015 it has been decided by the Ministry of Road Transport and Highways that all the awards of compensation made on or after



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01.01.2015 for acquisition of land under NH Act, 1956, will be as per the first schedule of RFCTLARR Act, 2013. Since the award was passed to the petitioner on 19.12.2014 i.e. before 01.01.2015 the petitioner's case cannot attract section 80 of the RFCTLARR Act, 2013.”

5. Heard Mr.C.Jeganathan, learned counsel appearing for the petitioner and Mr.A.K.Manikkam, learned Special Government Pleader for the respondents.

6. The interest portion has been denied to the petitioner on the ground that there was delay in paying the compensation due to the private dispute between the petitioner and one Veerukannaiyan. A reliance has also been placed on a Circular dated 12.05.2015 issued by the National Highways Authority of India.

7. In the considered view of this Court, the petitioner cannot be deprived from payment of interest. It is not the fault of the petitioner for the delay in payment of compensation. The petitioner has been claiming the compensation right from the beginning and because of some objection made by a third party, the amount was not paid to the petitioner. Ultimately, the petitioner was held to be entitled for the compensation. Therefore, the



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petitioner has to be necessarily paid the interest towards compensation amount and it cannot be denied by quoting some circular issued by the National Highways Authority of India.

8. In view of the above discussions, the impugned proceedings of the second respondent dated 19.07.2021 is interfered only insofar as non payment of interest on the compensation paid to the petitioner. Consequently, there shall be a direction to the second respondent to calculate the interest as provided under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 from 23.05.2013 to 25.05.2021 and the same shall be disbursed to the petitioner within a period of six weeks from the date of receipt of a copy of this order.

9. In the result, this writ petition is allowed with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

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NCC : Yes/No
Internet :Yes/No
Index :Yes/No



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N.ANAND VENKATESH, J.

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Order made in
W.P.(MD)No.21026 of 2021

Dated:
07.12.2023