



C.M.P.Nos.6775 & 6782 of 2024 in
W.A.SR.Nos.36752 & 36782 of 2024

C.M.P.Nos.6775 & 6782 of 2024 in
W.A.SR.Nos.36752 & 36782 of 2024

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

(The order of the Court was made by The Hon'ble Chief Justice)
Heard Mr.R.Raman Laal, learned Additional Advocate General
assisted by Mr.C.Kathiravan, learned Special Government Pleader for
the applicants and Mr.K.S.Navin Balaji, learned counsel for
non-applicant 1 in C.M.P.No.6775 of 2024.

2. These applications are filed to condone the delay of 840 days
in filing the appeals against the judgment and order of the learned
Single Judge in W.P.Nos.11108 & 11109 of 2017 dated 26.10.2021.

3. Learned Additional Advocate General submits that the
applicants have complied with the order of the learned Single Judge
to the extent of principal amount directed to be paid. The same is
agreeable to the present applicants. Challenge is made only to the
extent of grant of solatium and interest. The delay was caused
because there was frequent transfer of the officers concerned and the



C.M.P.Nos.6775 & 6782 of 2024 in
W.A.SR.Nos.36752 & 36782 of 2024

WEB COPY

new officers were not having the entire knowledge of the proceedings.

4. According to the Additional Advocate General, the applicants agreed to pay compensation at the rate of Rs.1,500/- per Sq.Ft. before the Division Bench of this Court in a batch of writ petitions bearing W.P.No.2116 of 2017 with other connected matters. The Division Bench, on 18.08.2020, disposed of the said batch of writ petitions, directing interest to be paid. The said part of the order, directing interest to be paid, is assailed before the Apex Court by filing SLP(C).No.12770 to 12783 of 2020. Stay has been granted by the Apex Court for payment of interest. It is submitted that the learned Single Judge, under the impugned order, has directed payment of compensation at the rate of Rs.1,500/- per Sq.Ft. The said rate is agreeable to the applicants, however, has further directed payment of solatium and interest, which was never agreed upon.

5. Learned counsel for the non-applicant/original writ petitioner 1 submits that contempt petition is filed by the original writ



C.M.P.Nos.6775 & 6782 of 2024 in
W.A.SR.Nos.36752 & 36782 of 2024

WEB COPY

petitioners/non-applicants on account of the non-compliance of the orders passed by the learned Single Judge and since 20.01.2023, time is sought by the State for compliance of the orders passed by the learned Single Judge. Today also, the said contempt petition is posted for reporting compliance of the orders. On more than 12 dates, the State has appeared and sought time to comply with the orders. The delay on the part of the applicants is abnormal. The Government cannot have special privilege for filing appeals. No sufficient cause is mentioned for the delay caused in filing the appeals.

6. The learned Single Judge has considered that the compensation is computed as per the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 [hereinafter, "the Act of 2013"] wherein, 100% of the solatium and interest are to be paid. The learned counsel relies upon the judgments of the Apex Court in the cases of **Amalendu Kumar Bera and Ors. Vs. State of West Bengal¹** and **Postmaster General and Ors. Vs. Living Media India Limited and**

¹ (2013) 4 SCC 52



C.M.P.Nos.6775 & 6782 of 2024 in
W.A.SR.Nos.36752 & 36782 of 2024

WEB COPY **Anr.².**

7. There cannot be any dispute with the proposition that the State cannot enjoy special privilege with regard to the limitation period for filing an appeal. The delay is of almost three years. It is also trite that by non-condonation of delay, the order, if erroneous, cannot be allowed to be perpetuated.

8. There is no dispute between the parties that the original writ petitioners are entitled to compensation at the rate of Rs.1,500/- per Sq.Ft. and the learned Single Judge also has arrived at the conclusion based on the orders passed by the Division Bench of this Court in the batch of writ petitions bearing W.P.No.2116 of 2017 with connected writ petitions dated 18.08.2020. In the said writ petitions, the parties agreed to the amount of compensation payable. The said order also provides for payment of interest. The State was not agreeable with the said clause, as such, filed an SLP before the Apex Court. The said SLP is pending before the Apex Court and stay has been granted to the order of the High Court to the extent of grant of interest.

² (2012) 3 SCC 563



C.M.P.Nos.6775 & 6782 of 2024 in
W.A.SR.Nos.36752 & 36782 of 2024

WEB COPY

9. Learned Additional Advocate General submits that the said SLP is still pending before the Apex Court. The basis of the award of compensation to the writ petitioners was the order passed in the earlier petitions and a part of the said judgment is assailed by the State and is pending before the Apex Court and stay has been granted. The said order was also passed after the Act of 2013 was enacted.

10. The contention about the entitlement of the solatium and interest, certainly will have to be considered on merits, *qua* the applicability of the Act of 2013.

11. In light of the aforesaid facts and that the basis of the award of compensation was a judgment delivered by the Division Bench of this court in the earlier matters and a part of the order passed is challenged and *sub judice* before the Apex Court and the same is pending, we are inclined to entertain the present applications



C.M.P.Nos.6775 & 6782 of 2024 in
W.A.SR.Nos.36752 & 36782 of 2024

WEB COPY

for condonation of delay and also on account of the fact that the officers concerned were transferred and new officers were not conversant in the matter. However, the applicants also deserve to be mulct with costs. In the light of that, we pass the following orders:

(i) The present applications for condonation of delay are allowed. The delay of 840 days in filing the appeals is condoned on condition that the applicants deposit cost of Rs.25,000/- (Rupees Twenty Five Thousand Only) in each matter within a period of one week.

(ii) List the appeals on 03.04.2024. As we have to consider the matter on merits, the original writ petitioners may not proceed with the contempt proceedings till the next date.

(S.V.G., C.J.)

(D.B.C., J.)

27.03.2024



C.M.P.Nos.6775 & 6782 of 2024 in
W.A.SR.Nos.36752 & 36782 of 2024

WEB COPY



WEB COPY



C.M.P.Nos.6775 & 6782 of 2024 in
W.A.SR.Nos.36752 & 36782 of 2024

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

(drm)

C.M.P.Nos.6775 & 6782 of 2024 in
W.A.SR.Nos.36752 & 36782 of 2024

27.03.2024