



W.P.Nos.30365 and 30420 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 24.10.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.Nos.30365 and 30420 of 2024

M/s Kochar Properties Pvt Ltd

Represent by its authorized signatory/Manager

Mr.V.Jayakumar

Son of Mr.Venugopal,

No.24/12, Raghavaiah Road,

T.Nagar, Chennai – 600 017.

... Petitioner in WP.No.30365/2024

P.S.Moorthi

... Petitioner in WP.No.30420/2024

VS.

1.The Secretary,
Ministry of Highway and Industries and Minor Ports,
Secretariat, Chennai – 660 009.

2.The Commissioner,
Land Administration, Chepauk,
Chennai – 600 005.

3.The District Collector,
Kancheepuram District.

4.The District Revenue Officer (LA),
Kancheepuram District.



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5. The Executive Director,
NRIDC, LLA Building,
Chennai-600 002.

6. The Divisional Engineer,
TNRIDC, LLA Building,
Chennai-600 002.

7. The Special Tahsildhar-Land Acquisition,
Oragadam Industries Infrastructure Scheme,
Sriperumbudur Office of the Sriperumbudur Taluk,
Sriperumbudur, Kancheepuram District. ... Respondent (in both WPs)

PRAYER in W.P.Nos.30365 of 2024: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to calculate the interest as admissible under Section 24 of the Tamil Nadu Highways Act 2001 from the date of actual possession, i.e., 26.06.2014 and disburse the same in favour of the petitioner in respect of the acquisition of petitioner's land in S.No.74/19 Part (74/8), measuring an extent of 718 Sq.m., Vallam A Village, Sriperumbudhur Taluk, Kancheepuram District.

PRAYER in W.P.Nos.30420 of 2024: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to calculate the interest as admissible under Section 24 of the Tamil Nadu Highways Act 2001 from the date of actual possession, i.e., 26.06.2014 and disburse the same in favour of the petitioner in respect of the acquisition of petitioner's land in S.No.74/1 Part (74/16), measuring an



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extent of 280 Sq.m., S.No.74/10 Part (74/20), measuring an extent of 1044 Sq.m, and S.No.74/7 Part (74/17), measuring an extent of 394 Sq.m., altogether an extent of 1718 Sq.m of land situated at Vallam A Village, Sriperumbudhur Taluk, Kancheepuram District.

For Petitioner : Mr.Ramesh Srinivasan
for M/s.Andaman K Murugan
(in both WPs)

For Respondents : Mr.P.Sathish
Additional Government Pleader
(in both WPs)

COMMON ORDER

These Writ Petitions are filed seeking a direction to 1st respondent to pay the interest component of the award permissible under Section 24 of the Tamil Nadu Highways Act, 2001 to the petitioners from the date of actual possession to the date of disbursement of the amount in respect of compensation calculated for the petitioners' lands situated in S.No.74/19 Part (74/8), measuring an extent of 718 Sq.m., and S.No.74/1 Part (74/16), measuring an extent of 280 Sq.m., S.No.74/10 Part (74/20), measuring an extent of 1044 Sq.m, and S.No.74/7 Part (74/17), measuring an extent of



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394 Sq.m., altogether an extent of 1718 Sq.m of land situated at Vallam A Village, Sriperumbudhur Taluk, Kancheepuram District, respectively.

2. The main grievance of the petitioners is that the subject properties were taken possession by the respondents under the acquisition proceedings as early as 26.06.2014. However, in the award passed by the 7th respondent interest has not been calculated from the date of taking possession to the date of actual payment.

3. The learned counsel appearing for the petitioners by relying on Section 24 of Tamil Nadu Highways Act, 2001, submitted that petitioners are entitled to interest from the date of taking possession to the date of actual payment.

4. The learned Additional Government Pleader appearing for the respondents, on written instructions, would submit that the subject properties were taken possession on 12.04.2014. The written instruction given by the Additional Government Pleader is scanned and reproduced below:-



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தமிழ்நாடு சாலை உட்கட்டமைப்பு மேம்பாட்டுக் கழகம்
(சட்டப்படி அமைக்கப்பட்டது)

CIN No: U45203TN2005SGC005572
GSTIN: 33AACCT2732R122
திரு: 044 28521757
மின்னஞ்சல்: info@2005tgmhdc.co.in

ICS
1986-2023

பதிவு - கட்டணங்கள்:
செலுதல், கட்டணம்: ரூ. 1,00,00,000/-
735, கட்டணம்: ரூ. 1,00,00,000/-
செலுதல் - 650 002,
தொலைபேசி: 28520500, 28543333

சுருது எண்: தஞ்சை உயர்நீதிமன்றம்/2024
தேதி: 23.01.2024

பெறுவர்:
தனி மனவட்ட வரவுகள் அலுவலர் மூலம்,
தெருச்சாலை,
காஞ்சிபுரம்.

மூலம்,
பொருள்: தமிழ்நாடு சாலை உட்கட்டமைப்பு மேம்பாட்டுக் கழகம் - ஓரகட்டம்
தொழிற்சாலை சாலை உட்கட்டமைப்பு திட்டம் - சிவசெருமான்கோயில்
முதல் திருப்பெரும்புத்தூர் வரை சாலை விரிவாக்கப் பணிக்காக நிலம்
கைப்படுத்தப்பட்டது - Date of Possession Taken (பணி நடைபெற்று தான்) -
கோவை - பதிவளித்தல் - தொடர்பாக.

பள்ளம்: தனி மனவட்ட வரவுகள் அலுவலர் மூலம், தெருச்சாலை, காஞ்சிபுரம்,
அவர்களின் சுருது எண்: த.க. F2/24971/2015, தான்: 18.10.2024.

பார்க்கையில் கண்ட: சுருதுதில் சிவசெருமான்கோயில் முதல் திருப்பெரும்புத்தூர் வரை சாலை
விரிவாக்கப் பணிக்காக வாரம் கிராமத்தின் தில் கைப்படுத்திய புல எண்கள்: 74/16, 74/17, 74/20
(W.P.No.30420/2024) மற்றும் 74/8 (W.P.No.30365/2024) இவற்றிற்கான பணி நடைபெற்று தான் (Date
of Possession Taken) கோவை. இது தொடர்பாக பணி நடைபெற்று தான் (Date of Possession
Taken) கீழ்க்கண்டவாறு தெரிவிக்கப்படுகிறது.

வ.எண்	கிராமத்தின் பெயர் மற்றும் புல எண்கள்	பணி நடைபெற்று தான்
1.	வயல் புல எண்கள்: 74/16, 74/17, 74/20 மற்றும் 74/8	12.04.2014

தமிழ்நாடு சாலை உட்கட்டமைப்பு மேம்பாட்டுக் கழகம்.

5. Therefore, it is not in dispute the respondents have taken possession from the petitioners on 12.04.2014. In such case, the petitioners are entitled to interest at the rate of 9% per annum on the compensation amount from the date of taking possession to the date of actual payment of



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the compensation amount to the petitioners. In the impugned award, the 7th respondent has not stated anything regarding interest component under Section 24 of the Tamil Nadu Highways Act, 2001.

6. Aggrieved by the failure of the 7th respondent to include the interest component, the petitioners submitted a representation before the 3rd respondent dated 29.11.2013 seeking payment of interest as per Section 24 of Tamil Nadu Highways Act, 2001 read with Section 80 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and the same has not been considered till date.

7. In view of the agreed position that possession has been taken from the petitioners as early as 12.04.2014, the petitioners are entitled to interest as mentioned above. Therefore, the 3rd respondent is directed to forward the representation submitted by the petitioners dated 29.11.2023 to the 7th respondent within a period of two weeks from the date of receipt of copy of this order. The 7th respondent shall consider the same and pass supplemental award granting interest to the petitioners from the date of taking possession to the date of actual payment of award amount.



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9. It is also seen from the award passed by the 7th respondent, the interest from the date of preliminary notification has not been calculated upto the date of passing of award, therefore, the 7th respondent is directed to consider the entitlement of the petitioners for interest from the date of preliminary notification to the actual date of passing of award.

10. The Writ Petitions are allowed with above direction. No costs.

24.10.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dm



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To

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Ministry of Highway and Industries and Minor Ports,
Secretariat, Chennai – 660 009.
2. The Commissioner,
Land Administration, Chepauk,
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Sriperumbudur Office of the Sriperumbudur Taluk,
Sriperumbudur, Kancheepuram District.



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S.SOUNTHAR, J.

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