



W.A.No.358 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE BHARATHA CHAKRAVARTHY

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- 1.The District Collector,
Kancheepuram District,
Kancheepuram.
- 2.The Joint Commissioner-III (LA-I),
Ezhilagam, Chepauk,
Chennai-600 005.
- 3.The Special District Revenue Officer (LA),
SIPCOT Sriperumbudur & Oragadam
Expansion Scheme-II,
Pillaipakkam, Sriperumbudur,
Kancheepuram District-602 105.
- 4.The Special Tahsildar (LA),
SIPCOT, Unit-3,
Sriperumbudur Expansion Scheme-2,
Pillaipakkam, Sriperumbudur,
Kancheepuram District-602 105.

.. Appellants

Vs



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1.A.J.Vasanthi Asir

2.The Managing Director,
SIPCOT Head Office,
No.19-A, Rukmani Lakshmipathy Road,
Egmore, Chennai-600 008.

.. Respondents

Prayer : Appeal under Clause 15 of the Letters Patent against the order dated 1.8.2023 made in W.P.No.4875 of 2023 by the learned Single Judge.

For the Appellants : Mr.C.Kathiravan
Spl. Government Pleader

JUDGMENT
(Delivered by *the Hon'ble Chief Justice*)

We have heard Mr.C.Kathiravan, learned Special Government Pleader for the appellants.

2. Learned Special Government Pleader for the appellants submits that learned Single Judge was in error in directing the payment of interest at the rate of 9% per annum on the amount settled between the parties on account of the acquisition of the land.



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3. Learned Special Government Pleader further submits that the first respondent/original writ petitioner, on her own volition, entered into an agreement with the present appellants agreeing to accept the amount of compensation. In that event, no interest is payable. Reliance is placed on the judgments of the Apex Court in the cases of (i) *State of Gujarat and others v. Daya Shamji Bhai and others*, (1995) 5 SCC 746; and (ii) *State of Karnataka and another v. Sangappa Dyavappa Biradar and others*, (2005) 4 SCC 264.

4. The aforesaid judgments relied upon by learned Special Government Pleader would be of no avail. The said judgments lay down the proposition that against the award passed on consent there cannot be a reference under Section 18 of the Land Acquisition Act, 1894.

5. In the present case, interest has been awarded by the learned Single Judge at the rate of 9% per annum on the amount of compensation agreed to be paid and not paid immediately by the



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State authorities. The original writ petitioner was deprived of the use and enjoyment of the said amount as was agreed by the State to pay to her. Pursuant to the agreement entered into between the parties, the amount was paid on 18.6.2020. The land was acquired under the award of the year 2013.

6. The learned Single Judge awarded a conservative rate of interest and that too from the date of agreement till the date of realisation.

In the light of that, no case for interference is made out. The writ appeal, as such, is dismissed. There shall no order as to costs. Consequently, C.M.P.No.2299 of 2024 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

05.02.2024

Index : Yes/No
Neutral Citation : Yes/No
sasi



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To

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

(sasi)

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