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CONT.P.No.229 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

CONT.P.No.229 of 2024

in

W.P.No.7682 of 2023

S.Karpagalakshmi

... Petitioner

Vs.

Mr.V.Rajaraman, I.A.S.,
The Principal Secretary to Government,
Revenue Department,
Secretariat,
Chennai – 600 009.

... Respondent

Prayer: Contempt Petition has been filed under Section 11 of the Contempt of Courts Act, 1971, for his willful gross violation of the order dated 09.08.2023 passed by this Court in W.P.No.7682 of 2023 and punish him accordingly.

For Petitioner

: Ms.R.Gobika

For Respondent

: Mr.J.Ravindran
Additional Advocate General
Assisted by Mr.U.Baranidharan
Additional Government Pleader



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ORDER

The contempt petition has been instituted to punish the respondents for their willful gross violation of the order dated 09.08.2023 passed by this Court in W.P.No.7682 of 2023 and punish him accordingly.

2. This Court passed an order, which reads as under:

“4. The compensation due to the erstwhile land owners are to be settled without causing undue delay Right to property is a constitutional right. Once it is taken away by the authority of law, then the compensation due is to be paid immediately without causing undue delay. In the present case, there is a long delay in concluding the acquisition proceedings and settling the compensation due to the land owners.

5. In view of the status report now filed, the first respondent is directed to sanction the compensation amount based on the recommendations of the respondents 2 and 3 and settle the same to the writ petitioner along with the admissible interest within a period of eight (8) weeks from the date of receipt of a copy of this



order.

6. With these directions, the writ petition stands allowed. No costs.”

3. The complaint of the petitioner is that the compensation under the Land Acquisition Act was calculated excluding the interest and therefore, the present contempt petition is filed.

4. This Court directed the respondents to settle the compensation in accordance with the Land Acquisition Act along admissible interest. Since the respondents are not ready to settle the interest, the petitioner has not received the compensation granted by the respondents.

5. Mr.J.Ravindran, learned Additional Advocate General appearing on behalf of the 'State' would submit that the very same petitioner earlier filed a writ petition in W.P.No.7682 of 2023 seeking re-conveyance of the acquired land, which was rejected by this Court. While rejecting the writ petition the Court made observations stating that the petitioner has failed to collect the compensation and therefore, she cannot ask for any interest from the date of



deposit made in the Treasury.

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6. The general observation made by this Court would not deprive a land loser from getting interest in accordance with the provisions of the Land Acquisition Act. It is a general observation made since during the relevant point of time the petitioner refused to receive the compensation. However, the fact remains that the petitioner was all along agitating the matter for re-conveyance of her land and therefore, the said actions cannot be construed as irregular or vexatious.

7. Right to Property is a Constitutional Right under Article 300-A of the Constitution of India. Such right can be taken away only by the authority of law. Once the acquisition laws are pressed into service, the land owners are entitled for compensation and any delayed payment of compensation would attract interest as admissible. Therefore, such a right cannot be denied to the land losers and further the petitioner was agitating the matter all along for which she is entitled and therefore, the observations generally made by this Court cannot stand in the way of the petitioner to claim interest as per the provisions of the Land Acquisition Act and Rules in force.



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8. The learned Additional Advocate General would fairly submit that the interest has already been calculated on account of earlier order dated 25.09.2019, it has not been paid to the petitioner.

9. That being the submission, the respondents are bound to pay the interest to the petitioner for the compensation amount as calculated as per the report of the Collector, Bhavanai District to the District Collector, Erode.

10. In view of the facts and circumstances, the respondents are directed to settle the land compensation along with the interest to the petitioner. The petitioner along with the legal heirs are directed to co-operate with the authorities for execution of the documents immediately. On such approach, the respondents are directed to settle the compensation along with the interest.



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11. With the above direction, the Contempt Petition stands disposed of.

No costs.

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Jeni
Index : Yes
Neutral Citation : Yes
Speaking order

To

The Principal Secretary to Government,
Revenue Department,
Secretariat,
Chennai – 600 009.



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S.M.SUBRAMANIAM, J.

Jeni

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