



Writ.Appeal(MD).No.1040 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.10.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE P. VELMURUGAN**
AND
THE HONOURABLE **MR.JUSTICE K.K. RAMAKRISHNAN**

W.A.(MD)No.1040 of 2019
and
C.M.P(MD).No.12029 of 2019

S.Akkiniraj (Died)
2.A.Muthulakshmi
3.A.Muthurasu
4.A.Senthilrajan
5.A.Karunanidhi
6.A.Saravanan

...Appellants/Petitioners

(Appellants 2 to 6 are brought on record as Legal representatives of the deceased sole appellant, vide Court order dated 24.09.2024 made in CMP(MD)Nos.12029 to 12031 of 2024 in WA((MD)No.1040 of 2019)

/Vs./

1.The Principal Secretary & Commissioner
of Land Administration,
Chepauk, Chennai-5.

2.The District Collector,
Madurai District.

3.The Revenue Divisional Officer/Land Acquisition Officer,
Usilampatti,
Madurai District.



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4.The Senior Regional Manager,
Hindustan Petroleum Corporation Ltd.,
Thalaimuthu Natarajan Building,
3rd Floor, No.8, Gandhi Irvin Road,
Egmore, Chennai-600 008.

5.The Plant Manager,
Hindustan Petroleum Corporation Limited,
Kappalur, Madurai.

...Respondents/Respondents

PRAYER:- Writ Appeal filed under Clause XV of the Letters Patent, to set aside the order dated 07.12.2018 made in WP(MD)No.21245 of 2018 passed by this Court.

For Appellants : Mr.S.Suriya Narayanan

For Respondents : Mr.D.Sachi Kumar,
Additional Government Pleader,
for R1 to R3
: Mr.M.Sridhar,for R4 & R5

JUDGMENT

(Judgment of the Court was delivered by P. VELMURUGAN, J)

The legal heirs of the deceased writ petitioner had filed this Writ Appeal before this Court challenging the order passed in W.P.(MD).No. 21245 of 2018, dated 07.12.2018, wherein, the writ petitioner sought interest for acquisition of the land(s) from the date of private negotiation



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under Section 12 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997, till the date of deposit of amount on 25.08.2014, and the writ petition was dismissed by the learned Single Judge. Aggrieved by the same, the writ petitioner has filed this writ appeal.

2. Pending the Writ Appeal, the original writ petitioner died and his legal heirs are impleaded as appellant Nos.2 to 6.

3.1. The learned counsel appearing for the appellants submitted that the respondent Nos.1 to 3 acquired the lands for allotment for industrial purposes to 47 beneficiaries. In this regard, the District Collector, Madurai, sent a proposal to the Government on 20.10.2009. The Industries Department of the Government of Tamil Nadu issued G.O.Ms.No.131, dated 20.09.2010 granting administrative sanction for acquisition of lands in question through private negotiation for the benefit of the industrial purposes. Thereafter, on 19.09.2014, the documents were registered and the possession was also handed over to the concerned industries on 19.09.2014 and the sale deed was executed in the year 2014 itself. However, the compensation amount was deposited on 25.08.2014 without any interest.



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3.2. He further submitted that, without any interest, the authorities have paid only the land value fixed in the private negotiation. Therefore, the writ petitioner claimed interest, however, the learned Single Judge dismissed the writ petition, which warrants interference.

4.1. The learned counsel appearing for the respondent Nos.4 and 5 submitted that there was private negotiation during 2014 and the document was registered and however, the writ petitioner did not produce the original documents. It is further submitted that an undertaking was also given by him to produce the original documents, which '*he failed to do*' to hand over the possession. The amount was deposited in the year 2014 itself and before that, the writ petitioner is not entitled to get interest.

4.2. The learned counsel further pointed out the affidavit filed by the writ petitioner before the writ Court and submitted that in paragraph No.4 of the affidavit, it is clearly stated that, at the time of the negotiation, the respondent Nos.2 and 3 assured the writ petitioner that the amount would be settled within a month or two. Thereafter, the third respondent demarcated the land and took possession of the same, even in the year 2009 itself. But, even after the acquisition, compensation was



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5. Heard the learned counsel appearing on either side and perused the materials available on record.

6. It is not the case of the respondent Nos.4 and 5 that the land was not acquired and possession was not taken and the beneficiaries are not benefited by the acquisition proceedings. The only question is that *whether the appellant is entitled to interest for award amount?*. According to the respondents, the original document was not produced at the time of execution of the sale deed and even while withdrawal of the amount, the writ petitioner/land owner had not raised any objection without producing the original documents, and hence, he cannot claim the interest. Since the possession was not handed over, the appellants are not entitled to get the interest. When the writ petitioner has specifically stated in his affidavit that the possession was taken by the acquisition officer / competent authority on a particular date and the same was also not disputed by way of any counter affidavit or any other documentary evidence. When such being the case, the respondent Nos.4 and 5 cannot take a stand that the possession was not taken in the year 2009. Therefore, the amount fixed in the private negotiation is the amount to be awarded, and the respondents cannot contest that it is not the Award



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amount or that he is not entitled to get any interest. When once the land was acquired by the respondents in the manner known to law, they are bound to pay the necessary amount with interest, as contemplated under the said Act. In the present case, the land was acquired through private negotiation and the possession was taken from the writ petitioner. However, no interest has been paid, despite the possession being taken. Therefore, in the said circumstances, the appellants, who are the legal heirs of the original writ petitioner, are entitled to get interest as contemplated under the said Act. The respondents are directed to pay interest to the legal heirs of the writ petitioner, who are the appellants herein, in accordance with the said Act.

7. Accordingly, this writ Appeal is allowed to the extent indicated above. There shall be no order as to costs.

(P.V.,J) (K.K.R.K.,J)
15.10.2024

NCC :Yes/No
Index :Yes/No
Internet :Yes
Speaking Order: Yes/no
sbn / cs



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- 5.The Plant Manager,
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Kappalur, Madurai.
6. The Additional Government Pleader,
Madurai Bench of Madras High Court, Madurai.



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and
K.K. RAMAKRISHNAN, J

sbn/cs

Judgment made in
W.A.(MD)No.1040 of 2019

Dated: **15.10.2024**