



W.A(MD)No.1041 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **12.06.2024**

CORAM :

JUSTICE N.SESHASAYEE
and
JUSTICE L.VICTORIA GOWRI

W.A(MD)No.1041 of 2019

A.Muthulakshmi
...Appellant/Petitioner
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.

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 is filed under Clause 15 of Letter Patent as
against the order passed by this Court dated 07.12.2018 in W.P(MD)No.
21246 of 2018.



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For Appellant : Mr.R.Suriya Narayanan
For R1 to R3 : Mr.N.Muthuvijayan
Special Government Pleader
For R4 & R5 : Mr.M.Sridhar

J U D G M E N T

[Judgment was delivered by **N.SESHASAYEE, J.**]

This appeal arises out of the order of the learned single Judge dismissing W.P(MD)No.21246 of 208 dated 07.12.2018.

2. For the benefit of the respondents 4 and 5, the lands were proposed to be acquired and necessary preliminary procedures were duly complied with. This proposed acquisition involved the property of the appellant measuring 67 cents in S.No.15/3, 52 cents in S.No.7/12, 37 cents in S.No.15/1, 33 cents in S.No.15/2, 21 cents in S.No.16/3A and 34 ½ cents in S.No.16/5A1 in Sokkanpatti Village, Tirumangalam Taluk, Madurai District as well. However, before going for an award enquiry, the District Collector engaged in private negotiation with the appellant in terms of Section 29(2)(a) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The sale consideration was determined at Rs.10,500/- per cent. The appellant had



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lent his consensus for the sale wholeheartedly. Later, he had also executed a sale deed in favour of the Government.

3. The appellant's contention is that the land was sought to be acquired in 2009 and the sale deed was executed in 2010 and therefore, seeks payment of interest to the compensation amount from 20.10.2009 at the rate of 9% per annum and thereafter till the payment is made at the rate of 15 % per annum. This was rejected by the learned single Judge and hence, the appeal is preferred before this Court.

4. Heard the learned counsel on either side.

5. The learned counsel for the appellant made a valiant effort to convince this Court about the sustainability of his contention. But this Court is not impressed. Here is a scenario, where the appellant had executed the sale deed in favour of the Government on receipt of sale consideration. When a sale deed is executed, it is covered by Transfer of Property Act and the vendor of the property cannot complain of inadequacy of consideration, unless he pleads and prays fraud. Here is a scenario, where the appellant is appear to have been held himself in considerable misconception



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vis-a-vis his right cautiously embarked upon claiming interest for the compensation in a matter that falls not squarely under the Land Acquisition Act but stretches to the Transfer of Property Act.

6. To conclude, this Court does not find any merit in this appeal. Accordingly, the same is dismissed. No costs.

(N.S.S., J.) (L.V.G., J.)
12.06.2024

Index : Yes / No
Neutral Citation : Yes / No
CM

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