



CMP(MD). No.14584 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on : 27/10/2025

Pronounced on : /2025

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THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

CMP(MD). No.14584 of 2025  
in  
CRP(MD)SR.No.70446 of 2025

The Special Tahsildar (LA),  
Defence Purpose Unite, Nanguneri,  
Now Revenue Divisional Officer,  
Tirunelveli.

... Petitioner

Vs

M.Sankara Narayanan (Died),

1.S.Sundararajan

2. S.Anbazzhagan

3. Union of India,  
Defence Estate Officer,  
Madras Circle, Chennai - 35.

... Respondents

PRAYER in CMP(MD). No.14584 of 2025 :-

To condone the delay of 5082 days in filing the Civil Revision Petition against the order dated 22.06.2011 made in E.P.No.266 of 2006 in LAOP No.96 of 1985 on the file of the Principal Sub Judge, Tirunelveli.

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PRAYER in CRP(MD).SR. No.70446 of 2025 :-

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To set aside the order of attachment dated 22.06.2011 made in E.P.No.266 of 2006 in LAOP No.96 of 1985 on the file of the Principal Sub Judge, Tirunelveli and thereby allow this Civil Revision Petition.

For Petitioner : M/s. F.Deepak,  
Special Government Pleader

For Respondents : Mr.T.Selvam for R1 and R2

Mr.G.Rajaram for R3  
Senior Standing Counsel

### ORDER

The Civil Miscellaneous Petition is filed to condone the delay of 5082 days in filing the Civil Revision Petition against the order dated 22.06.2011 made in E.P.No.266 of 2006 in LAOP No.96 of 1985 on the file of the Principal Sub Judge, Tirunelveli.

2. The Civil Revision Petition is filed to set aside the order of attachment dated 22.06.2011 made in E.P.No.266 of 2006 in LAOP No. 96 of 1985 on the file of the Principal Sub Judge, Tirunelveli and thereby allow this Civil Revision Petition.



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3. Learned Special Government Pleader appearing for the petitioner would submit that as against the award passed for acquisition of land proceedings for enhancement, learned Principal Subordinate Judge, Tirunelveli, had enhanced the compensation from Rs.100/- to Rs. 150/-. In the appeal suit filed by the respondents, compensation was enhanced to Rs.200/- . The compensation arrived at has been paid on various dates. But however, not satisfied with the entire amount payable, an execution petition had been filed seeking to pay interest for non payment of interest on the solatium payable to the land owners. The petitioner has disputed the calculation memo as filed by the land owners, contending that they are not entitled for interest on the solatium which has been made in the year 1983 before the Act 68 of 1984 came into force. The claim of the petitioner was negatived, holding that the land owners are entitled to interest on the solatium also and the calculation given by them in the execution petition is proper and allowed the petition.



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4. Being aggrieved against the same, the petitioner has also preferred a revision before this Court and they were again directed to submit a fresh calculation. There upon a fresh calculation memo had been filed calculating interest for the solatium and the additional amount and claimed a sum of Rs.4,90,650/-. The Court below without considering the TDS deducted to the credit of the land owners, had taken the account as submitted by the land owners. He would further contend that it is a well settled law that no interest can be granted over the solatium and also there cannot be any additional compensation. He had further submit that the respondents / land owners are not entitled for the solatium as claimed by them.

5. Learned counsel appearing for the respondents / land owners on the other hand would contend that it is fallacious to contend that the land owners are not entitled for compensation on the solatium and even if it is made available, it can be only made after the judgment made by the Hon'ble Apex Court, reported in ***AIR 2001 SC 3516*** in the case ***Sunder Vs Union of India***. He would submit that the Hon'ble Supreme Court in the said judgment had held that the solatium is an integral part of the



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value of the land and therefore, the interest should also be given for the value of the land including solatium. Such interpretation made by the Hon'ble Apex Court, cannot be said to be prospective and such principle laid on interpretation of Section 28 of the Land Acquisition Act, would apply to all acquisition proceedings where the land owners are entitled for solatium. It is submitted that the beneficial legislation had been enacted, there can be no disparity between the land owners whose land were acquired prior to the amendment and after amendment. Such benefits should be extended to all land owners, whose acquisition as on the date was ending, hence he prays this Court to dismiss the Civil Revision Petition.

6. I have considered the submissions made by the learned counsel on either side.

7. In the case, where acquisition had been made four decades back and award was also passed, unfortunately the value of the land as determined under the Land Acquisition Act had only be paid and the interest thereon, even as per the same, had not been paid to the land owners. The Government being the eminent domain, is expected to



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comply with the provisions of the Land Acquisition Act. It is also to be noted that Article 300-A of the Constitution of India, protects the rights of the land owners. As rightly contended by the learned counsel for the respondent, it is incumbent upon the petitioner to also pay interest on the solatium. The Hon'ble Apex Court in the judgment reported in AIR 2001 SC 3516 had approved the judgment of the Hon'ble Division Bench of the Punjab and Haryana High court and had held that the land owner who is entitled to the compensation awarded is also entitled to get interest on the aggregate amount including the solatium. When that be so, the petitioners cannot say that the land owner is not entitled for interest on the solatium.

8. For the aforesaid reasons, I do not find any infirmity in the order impugned herein and accordingly, this Civil Miscellaneous Petition fails and accordingly dismissed. The Civil Revision Petition is rejected at the SR stage itself. No costs.

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NCC : yes / no  
Index : yes / no  
Internet : yes /no  
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To

1. Principal Sub Judge, Tirunelveli.
2. The Section Officer, VR Section,  
Madurai Bench of Madras High Court, Madurai.



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**K.KUMARESH BABU, J**

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Pre-delivery order made in

**CMP(MD). No.14584 of 2025**  
**in**  
**CRP(MD)SR.No.70446 of 2025**

Date : /2025