



W.P.(MD) No.26781 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD) No.26781 of 2024

Thiruvavadudurai Athinam
Rep. by its South Zone Manager,
G.Ramachandran

... Petitioner

vs.

- 1.The District Collector,
Tirunelveli District, Tirunelveli.
- 2.The Sub Collector,
Cheranmahadevi,
Tirunelveli District.
- 3.The Revenue Divisional Officer,
Ambasamuthiram,
Tirunelveli District.
- 4.The Tahsildar,
Nanguneri, Tirunelveli District.
- 5.The Special Tahsildar,
Land Acquisition,
Vadakku Pachaiyar Reservoir Project,
Valliyoar, Tirunelveli District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to disburse the award amount as per R.O.C.No.12/97/A, Award No.2 of 2000, dated 11.08.2000 and R.O.C.No.A/29/98, Award No.1 of 2001, dated 28.02.2001 along with interest within stipulated time fixed by this Court.

For Petitioner : Mr.M.Ramu
For Respondents : Mr.C.Satheesh
Government Advocate

ORDER

The petitioner sought for issuance of a Writ of Mandamus to direct the respondents to disburse the compensation amount in respect of the land acquisition proceedings covered by Award No.2 of 2000 and Award No.1 of 2001, together with interest.

2.Heard the learned counsel on either side.

3.The case of the petitioner is that even as early as 1998-99, the petitioner's lands have been acquired by the fifth respondent/Special Tahsildar for the purpose of Vadakku Pachaiyar Reservoir Project. The award amount was also fixed and



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awards came to be passed in the years 2000-2001, respectively. However, the grievance of the petitioner is that the petitioner was not paid the compensation awarded for the properties acquired from the petitioner. The petitioner also made representation in the year 2020 seeking disbursal of the compensation amount. As there has been no action thereon, the petitioner has moved this Court.

4.The learned Government Advocate, on written instructions, would submit that the compensation amount payable to the petitioner has been deposited in the Treasury and subsequently the amount deposits have also lapsed and hence, the amount has to be recalled and thereafter, paid to the petitioner. Considering the elaborate process that would be involved in such a course of action, the learned Government Advocate seeks for six months time to disburse the compensation amount.

5.The learned counsel for the petitioner would submit that for no default of the petitioner, the compensation amount has been denied and even now the respondents are seeking further unreasonable time of six months and he would therefore seek for interest being paid on the award amount to be disbursed.



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

7.Admittedly, it is the case of the parties that the respondents have deposited the award amount as early as in the year 2000. Therefore, I am unable to invoke Section 34 of the Land Acquisition Act, 1894, to direct payment of interest on the compensation amount since either the amount has to be paid or deposited on or before taking possession in terms of Section 34 of the Act, 1894. Only in the event of not making payment or deposit, the land owners would be entitled to payment of interest. Here, there is a blame game on both sides. The petitioner's case is that he was never called upon to produce any documents and when the award has recognized his right and entitlement to the compensation, it was not necessary for the petitioner to produce any further documents. However, the case of the respondents is that the Forest Department claims the subject lands as a Private Forest Reserve and hence, necessary approval had to be obtained from the Government and therefore, the amount had been kept in revenue deposit and by that time, the request was made for releasing the said amount. The



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Treasury had intimated to the respondents that the revenue deposit had lapsed on 31.03.2004 itself. It is the further case of the respondents that the respondents waited till 2004 for the petitioner to come forward to submit documents to prove title and patta and only for the default on the part of the petitioner, the amount had lapsed. Therefore, the respondents cannot be sad with the interest portion.

8.Considering the facts and circumstances of the case as indicated above, when the deposit had been made within the time, at this length of time, it is not possible to find out the actual reason for the delay in releasing the payment to the petitioner, especially in the light of the rival allegations being traded by the petitioner and the respondents blaming each other for the delay. In view of the express mandate of Section 34 of the Land Acquisition Act, 1894, no avenue is open to direct payment of interest in the circumstances of the above case. Therefore, the respondents are directed to take immediate steps to recover the amounts that have lapsed and ensure that the same is paid by the respondents to the petitioner, within a period of four months from the date of receipt of a copy of this order. It is made clear that if there is any delay beyond four months, then the respondents shall pay interest at 12% per annum for the delayed period.



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of. No costs.

14.03.2025

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NCC: Yes/No

Index : Yes / No

Internet : Yes / No

To

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P.B.BALAJI, J.

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