



WEB COPY



W.A.No.1709 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

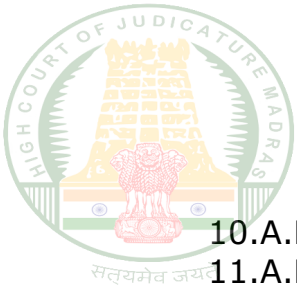
W.A.No.1709 of 2026
and C.M.P.No.15606 of 2026

1. The Land Acquisition Officer Cum
District Collector
District Collector, Chengalpattu,
District Collector Office,
Chengalpattu.
- 2.The Divisional Engineer
Highways, Construction And Maintenance
Gst Road, Opp To Govt. Medical College
Hospital, Chengalpattu.

Appellant(s)

Vs

- V Murugesan (died) S/o.Late Vedagiri
rep by Lrs 1 to 6
- 1.V.Ranjidham
 - 2.V.Kalavathi
 - 3.V.Sasikala
 - 4.V.Komala
 - 5.V.Thirumalai
 - 6.V.Kabila
 - 7.R.Annasamy
 - 8.A.Prema
 - 9.A.Ramesh Kumar



W.A.No.1709 of 2026

10.A.Revathi
11.A.Padma
12.A.Kalaivani
13.G.Poongavanam
14.G.Logu
15.G.Nalini
16.G.Jayasundari
17.G.Keliyappan
18.G.Renuga
19.G.Kavitha
All residing at No.2/292, Madha Kovil Street,
Kelambakkam,
Chengalattu District-603 103.

Respondent(s)

PRAYER: Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 12.02.2025 passed by the learned Single Judge in W.P.No.4051 of 2025.

For Appellant(s): Mr.K.Kumaran
Government Pleader

For Respondent(s): Mr.J.Ram

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

This intra-court appeal is directed against the order dated 12.02.2025 passed by a learned Single Judge in W.P.No.4051 of 2025. By the said order, the learned Single Judge directed the first appellant to consider and pass final orders on the representation dated 04.12.2024 submitted by the respondents/writ petitioners,



W.A.No.1709 of 2026

which sought an extension of enhanced compensation.

WEB COPY

2.1. The brief facts underlying this dispute are that the lands of the respondents were acquired under the provisions of the law for widening of the Old Mahabalipuram Road (OMR) into a six-lane IT Expressway. The Land Acquisition Officer passed an award on 30.04.2013, fixing the initial compensation at a modest Rs.2,713/- per square meter. Some of the neighboring landowners filed L.A.O.P. Nos. 5, 7, and 8 of 2015. By a judgment dated 21.03.2017, the learned Additional Subordinate Judge, Chengalpattu, recognized the true market value of the lands and enhanced the compensation substantially to Rs.14,812/- per square meter.

2.2. The State contested this enhancement before the High Court in C.R.P. Nos.747 of 2021 etc., but a learned Single Judge of this court dismissed the revision petitions on 03.03.2023, confirming the enhanced market valuation.

2.3. The respondent, claiming that their lands were identical to those of their neighbors, submitted a representation on



W.A.No.1709 of 2026

04.12.2024, requesting parity in compensation. As the said representation did not evoke any response, they approached the writ court, which directed the first appellant to consider and pass final orders on the representation submitted by the respondents herein seeking enhanced compensation. Hence, the present appeal.

3. Learned Government Pleader submitted that Section 28A(1) of the Land Acquisition Act, 1894 mandates that an application for re-determination of the amount of compensation must be filed within three months from the date of the Reference Court's award. As the respondents approached the authority nearly eleven years after the original award and more than a year after the final order in the Civil Revision Petitions, the claim is legally dead.

4. Learned counsel for the respondents reiterated the findings rendered by the learned Single Judge and prayed for dismissal of this appeal.

5. We have carefully considered the rival contentions and closely examined the records.



W.A.No.1709 of 2026

WEB COPY

6. At the threshold, it needs to be noted that the very same legal issues were considered by a Coordinate Bench of this court in *The Land Acquisition Officer and others v. Saroja and others*¹. In that case, the land owners, whose lands were acquired, faced the exact same administrative hurdle, viz., their representations under Section 28A of the Act were filed beyond the literal three-month window and the State raised the same technical defence. Dismissing the State's objections, the Coordinate Bench relied on a decision of the Supreme Court in *Narendra and Others v. State of Uttar Pradesh and Others*².

7. It is seemly to refer the law enunciated by the Apex Court in the aforesaid decision hereunder:

*"8. The purpose and objective behind the aforesaid provision is salutary in nature. It is kept in mind that those landowners who are agriculturist in most of the cases, and whose land is acquired for public purpose should get fair compensation. **Once a particular rate of compensation is judicially determined, which becomes a fair compensation, benefit thereof is***

¹ Judgment dated 26.09.2025 in W.A.No.2927 of 2025

² (2017) 9 SCC 426



WEB COPY



W.A.No.1709 of 2026

to be given even to those who could not approach the court. It is with this aim the aforesaid provision is incorporated by the legislature. Once we keep the aforesaid purpose in mind, the mere fact that the compensation which was claimed by some of the villagers was at lesser rate than the compensation which is ultimately determined to be fair compensation, should not be a ground to deny such persons appropriate and fair compensation on the ground that they claimed compensation at a lesser rate. In such cases, strict rule of pleadings are not be made applicable and rendering substantial justice to the parties has to be the paramount consideration. It is to be kept in mind that in the matter of compulsory acquisition of lands by the Government, the villagers whose land gets acquired are not willing parties. It was not their voluntary act to sell off their land. They were compelled to give the land to the State for public purpose. For this purpose, the consideration which is to be paid to them is also not of their choice. On the contrary, as per the scheme of the Act, the rate at which compensation should be paid to the persons divested of their land is determined by the Land Acquisition Collector. The Scheme further provides that his determination is subject to judicial scrutiny in the form of reference to the District Judge and appeal to the High Court, etc. In order to ensure that the



WEB COPY



W.A.No.1709 of 2026

*landowners are given proper compensation, the Act provides for "fair compensation". **Once such a fair compensation is determined judicially, all landowners whose land was taken away by the same notification should become the beneficiary thereof. Not only it is an aspect of good governance, failing to do so would also amount to discrimination by giving different treatment to the persons though identically situated. On technical grounds, like the one adopted by the High Court in the impugned judgment, this fair treatment cannot be denied to them.***

[emphasis supplied]

8. Furthermore, as highlighted by our Coordinate Bench, the Supreme Court in *New Okhla Industrial Development Authority vs. Harnand Singh*³ reaffirmed that Section 28A of the Act acts as a statutory armor against administrative discrimination.

9. The appellants heavily rely on the three-month limitation period under Section 28A of the Act. However, the Land Acquisition Act is a beneficial legislation and, as laid down in *Saroja and others* (supra), it places an implicit obligation on the Collector to inform

³ (2024) INSC 509



W.A.No.1709 of 2026

those landowners who did not participate in the Reference Court proceedings about the enhanced compensation package. This ensures that ordinary citizens are not left in the dark about their statutory rights.

10. In the present case, it is an admitted fact that the appellants never issued any notice or officially communicated the orders passed by the courts enhancing compensation to these respondents. As the State failed in its administrative duty to inform the respondents, the respondents cannot be penalized for the resulting delay. Denying them equal compensation for identical land on a technical ground would directly violate Article 14 of the Constitution of India.

11. The learned Single Judge committed no error in directing the first appellant to consider the respondents' representation on its merits.

Accordingly, the writ appeal stands dismissed. The appellants



W.A.No.1709 of 2026

are granted two months time from the date uploading of this order to comply with the directions issued by the learned Single Judge.

There shall be no order as to costs. Consequently, interim application is closed.

(SUSHRUT ARVIND DHARMADHIKARI, CJ) (G.ARUL MURUGAN,J)
16.07.2026

Index : Yes/No
Neutral Citation : Yes/No
sasi



WEB COPY



W.A.No.1709 of 2026

THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

(sasi)

W.A.No.1709 of 2026

16.07.2026